

FEMINISM, CONSTITUTIVE EMBODIED SUBJECTIVITY  
AND AGENCY: "WOMEN" AS THE "SUBJECT" OF  
RADICAL FEMINIST CRITIQUES OF  
REPRODUCTIVE TECHNOLOGY

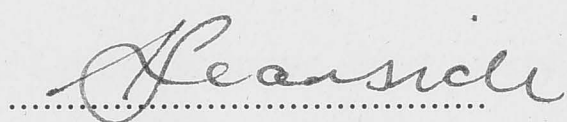
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I hereby certify that the following thesis is entirely my own work and that all sources referred to have been acknowledged.

A handwritten signature in cursive script, reading "Anne Gearside", written over a dotted line.

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## ABSTRACT ~

Contemporary feminism has witnessed the rejection of the sex/gender distinction. This thesis examines the effect of this rejection on conceptions of women's agency. It addresses this issue within the context of feminist critiques of reproductive technology. The thesis outlines the critique of the sex/gender distinction provided by Judith Butler. I attribute to Butler a critique of the concept of pre-discursive subjectivity, the view that sexed bodies are natural and therefore fixed. Butler argues that the concept of pre-discursive subjectivity underlies the sex/gender distinction. She argues this concept is synonymous with the foreclosing of adequate concepts of agency for women. Butler rejects the concept of pre-discursive subjectivity. This necessitates the radical reconfiguration of the concept of agency.

Butler's thesis is then brought together with another domain of philosophy, the issue of reproductive technology. I ask how Butler's rejection of the concept of pre-discursive subjectivity relates to the radical feminist's critique of reproductive technologies? This question is answered by appealing to a concept of disembodied individualism which figures within Rosalyn Diprose's critique of bioethics. Diprose argues that the fundamental principles of bioethics are based on a concept of disembodied individualism. The concept of disembodied individualism amounts to a concept of pre-discursive subjectivity. Disembodied individualism, like pre-discursive subjectivity, implies the immutability of sexed bodies. I argue that a concept of pre-discursive subjectivity is perpetuated within the realm of radical feminist criticisms of reproductive technology. Returning to Butler's understanding of the relationship between subjectivity and agency it is argued that feminist criticism of reproductive technology foreclose adequate

concepts of agency for women. This is because such criticisms perpetuate the assumption of pre-discursive subjectivity. It is asked whether Butler's reconfiguration of agency can address this problematic feature of the radical feminist critique of reproductive technology.

Part two of this thesis applies Butler's reconfiguration of agency to the issue of reproductive technology. It is argued that Butler's reformulation of the concept of agency cannot substitute for conventional conceptions of agency. This is argued on the basis that conventional conceptions of agency are an inevitable and necessary political fiction. Consequently the appeal to conventional conceptions of agency within the radical feminist critique of reproductive technology cannot be a basis for a rejection of that critique. While Butler's reformulation of agency cannot substitute for conventional conceptions of agency, it nonetheless accommodates the possibility of change for women.



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## INTRODUCTION ~

Women's Bodies Are Not Biological Laboratories.  
Demand Reproductive Freedom.

(Sticker for N.U.S Women's Department. 1996. Macquarie University.)

For someone concerned with the issue of women's reproductive rights, this slogan would probably carry many positive meanings. For instance, it may be regarded as: an example of women asserting the right to control their bodies; an invitation to solidarity for the purpose of achieving a political objective; a reflection of the possibility of subverting patriarchal control of women's bodies. Those acquainted with feminist campaigns for women's reproductive rights will probably be highly familiar with this type of slogan, as well as its implicit meanings. Indeed, this slogan constitutes a highly conventional political response to the issue of reproductive technologies. Such conventions are no less evident in feminist philosophical critiques of reproductive technologies. Traditionally, some feminist theorists have opposed the use of reproductive technologies. These practices have been described as involving women's objectification and patriarchal control over women's bodies. In the terms of conventional feminist philosophy therefore, the meanings contained within this slogan correspond to specific and important theoretical objectives. By the end of this thesis however, it will become apparent that from the perspective of *contemporary* feminist philosophy this slogan contains meanings which seem to conflict with the objectives of feminist philosophers. How can such a seemingly positive message come to represent something negative for women? This question can be answered through recourse to contemporary feminism's rejection of the sex-gender



distinction. Indeed, this theoretical development marks the point of departure in this thesis. More specifically, the general aim of this thesis is to explore the implications of this theoretical development for conceptions of women's agency within the context of radical feminist critiques of reproductive technology.

In pursuing this aim, I will assume that the reader has some familiarity with the way in which contemporary feminism is characterised by a rejection of the sex-gender distinction. For the sake of clarity however, let me outline this recent shift within feminist philosophy and at the same time inform the reader of debates surrounding this theoretical shift. I shall begin by reminding the reader of the significance of the sex-gender distinction within conventional feminist philosophy. The history of philosophy contains numerous theories of subjectivity. Feminist philosophers acknowledge that these theories consistently incorporate a concept of the body. Feminists have observed however, that these theories consistently ignore the interaction between body and subjectivity. In particular, it is argued that these theories invariably conceive the body in isolation from the mind or consciousness. For instance, the philosopher René Descartes' writings are exemplary of this division between body and mind. For Descartes, the body is defined by its capacity to occupy space. The mind on the other hand, is considered as a domain of pure thought - based on Reason. Moreover, these elements are regarded as mutually exclusive. Thus, consciousness is considered non-spatial and the body is regarded as mere matter. Significantly, this binary classification attributes subjectivity to the mind, characterising the body in isolation from consciousness and subsequently from subjectivity or personhood. (Descartes 1954 pp 66 -75)



More importantly for feminists, this formulation of the relation between mind and body can be related to women's social and political subjugation. Within the mind-body paradigm, the body is relegated to the status of object. The mind-body paradigm involves the idea that the mind is the domain of subjectivity and the capacity for Reason. Moreover, the mind's capacity for Reason is that factor differentiating man from animals. Secondly, the mind-body paradigm involves the idea that the body remains distinctly within the realm of the physical, the organic or the natural. Thus, by virtue of its disconnectedness from reason, the body's activities are regarded as animalistic, un-tamely or natural. Descartes, for instance, only differentiates the body from other organic forms by virtue of the complexity of its structure thereby assuming the body's place within the physical order. One consequence that arises through aligning the body with the natural order is that it comes to be regarded in the same manner as other organic forms within the physical order. (Grosz 1987, p 5) Just as other organic forms become the object of scientific investigation, so too the human body is relegated to the status of object for the *natural* sciences. Accordingly, the *social* sciences takes the mind and its ideas as its primary focus. (Grosz 1987, p 5) In brief, a dualist conception of subjectivity sharply divides the body from the mind. It also assumes a specific conception of the body as an objective entity, a natural object independent from subjectivity. Moreover, Cartesian dualism is linked to "the foundations of knowledge itself, a link which places the mind in a position of hierarchal superiority over and above nature, including the nature of the body." (Grosz 1994, p6)

This conception of the body becomes significant when one considers the historical conflation of women and their body. Some feminists have argued that

Cartesian dualism is linked to the institution of a 'value laden identity for women'. Traditionally the value attributed to women has been, as Gatens reminds us, a negative value:

Cultural attitudes to both women and corporeality are often negative...Women are most often understood to be less able to control the passions of the body and this failure is often located in the apriori disorder or anarchy of the body itself. (Gatens 1988, p60)

The conflation of women's identity with a presumably inferior body is known as 'biological essentialism' and refers specifically to the way "in which women's essence is defined in terms of their biological capacities." (Grosz 1990, p 334) Genevieve Lloyd explains this biological essentialism with direct reference to Descartes' method, which she argues, becomes inadvertently linked to the emergence of a conception of a specifically female consciousness characterised by an apparently inferior capacity for reason.<sup>1</sup> Lloyd argues that "in the context of associations already existing between gender and Reason, [Descartes] version of the mind-body relationship produced stark polarizations of previously existing contrasts." (Lloyd, 1984, p45) Notably, this contrast emerged despite Descartes intentions; Descartes included women amongst those capable of Reason. However, his characterisation of the mind as the place of Reason and the body as synonymous with the non-rational, inadvertently became associated with women's subjection.



This is revealed by tracing naturalistic perspectives on femininity, or notions of a corporeally determined female nature. Ludmilla Jordanova describes the way in which post Enlightenment (scientific and medical) definitions of femininity assumed a deterministic connection between women's biology and the idea of a so-called feminine character.<sup>2</sup> Women were not only regarded as bound to the natural rhythms and laws of their bodies, they were regarded as biologically predisposed to uncontrolled passion, emotion and irrationality. The post-enlightenment primarily scientific conception of womanhood thus involved the idea that women were subject to their bodies. Of course, we have seen that according to dualism, corporeality is conceptualised in opposition to Reason. So, the added proposition that women are tied to a fixed corporeality implies that women should not be regarded as fully rational subjects. Thus, the Cartesian concept of the subject does not simply divide body and mind. It also provides the basis for a division of men and women into essentialist and fixed categories, relative to their biological sex. In short, dualism has been linked to the idea that men are rational subjects housed within a body, while women, whose bodies are at the mercy of natural laws, are assumed to have a supposedly lower capacity for Reason.

Understandably, many feminists have contested this conception of a biologically determined female nature. It has been argued that this presumption assists in the rationalisation of the patriarchal oppression of women. In particular, it helps to foster the perception that women's prescribed social function is "natural" and therefore inevitable or unchangeable. If women are subject to their biology, and a woman's reproductive organs are part of that biology, then at least one of women's "natural" functions must be that of maternity. Feminists observe



however, that a woman's reproductive organs are not simply defined as *part* of her biology. Rather, they are seen as the singularly most crucial feature in the characterisation of women's identity. Moreover, with the added presumption that women's biology is "naturally" designed for a maternal role, the conflation of women with their bodies (reproductive organs) also provides a justification for the continued use of women - as objects - in the reproduction of patriarchal subjects. Thus as Grosz maintains, biological determinism "ties women closely to the functions of reproduction and nurturance...[and is] an attempt to limit women's social and psychological capacities." (Grosz 1990, p334).

Thus, feminists have consistently maintained that there are several negative bi-products of dualism for women. It helps to reinforce a conflation of women with their bodies and a reduction of women to the status of object. Secondly, it allows for the rationalisation that a maternal social function for women is natural. Feminist attempts to undermine biological essentialism are characterised by the promotion of women's rationality, a theoretical position most typical of egalitarian feminists such as Mary Wollstonecraft.<sup>3</sup> The attempt to undermine essentialism is also characterised by an attempt to differentiate women's identity from women's corporeality. One means of achieving this has been through the formulation of a sex-gender distinction. It is necessary to provide the reader with a brief account of this distinction. The purpose of this discussion is to provide a context in which to better understand recent concepts of subjectivity within contemporary feminist philosophy. I will not only provide an account of the sex-gender distinction, I will also examine contemporary criticism of this formulation of subjectivity. In particular, I will elucidate feminist's justification for the

formation of an alternative to the sex-gender distinction, namely, a theory of constitutive embodied subjectivity.

### **The Sex - Gender Distinction.**

The sex-gender distinction involves the idea of a sociologically constructed identity. Simultaneously, it involves the idea that subjectivity can be explained independent of any biological characteristic. In other words, the sex-gender distinction involves defining sex as a biological category that bares no direct influence upon the purely social category of gender. We can recall that traditionally women have been conflated with their bodies. The sex-gender distinction stands in opposition to such biological reductionism. "Gender" as opposed to "sex", becomes the "central explanatory and organising category" capable of revealing the "social and familial and/or discursive construction of subjectivity." (Gatens 1983, p 144) Significantly, the sex-gender distinction has been used to address the issue of women's social oppression. We have seen how the presumption of women's relation to their bodies can function to restrict women's social freedom. Feminists have responded to this limitation by endeavouring to achieve sexual "equality" for women. Equality here is defined in terms of the right of women to have equivalent access to social and political life. The formation of the sex-gender distinction functions in favour of this objective. It denotes an "arbitrary connection between femininity and the female body", such that the female body need no longer be thought of as a barrier to achieving "equality" with men. (Gatens 1983, p 144) In particular, the sex-gender distinction is linked with the neutralisation of sexual difference so that women are seen as "free" from the constraints of biological determinism.



### **Sex-gender and the Perpetuation of Hierarchical Dualism.**

There is little doubt that the sex-gender distinction has been crucial in addressing the issue of women's limited and subordinate place in culture. However, some contemporary feminists argue that this model of subjectivity involves an inadvertent perpetuation of women's subjugation. This is because the sex-gender distinction, while combating biological determinism, inadvertently adheres to a dualist theory of subjectivity and the hierarchical division between mind and body. As Gatens argues, theorists who employ the sex-gender distinction understand this dichotomy as synonymous with a body-consciousness distinction. Subjectivity can be characterised as either "predominantly (or wholly) determined by biological forces ....or predominantly (or wholly) determined by the influence of social and familial relations..." (Gatens 1983, p 147) The essentialist conception of women's identity I have outlined, is an example of the former characterisation of subjectivity, that is, women's identity is the product of their biology. The sex-gender distinction is an example of the latter characterisation of subjectivity, that is, women's identity is the product of socialisation rather than their biological sex.<sup>4</sup> Gatens observes however, that *both* these formulations of subjectivity propound hierarchical dualism.

We have already seen the way in which essentialist conceptions of women's identity propound hierarchical dualism. The sex-gender distinction however, perpetuates hierarchical dualism on the basis that it presumes "the mind, of either sex, is a neutral, passive entity....on which is inscribed various social lessons", and presumes the body as "the passive mediator of these inscriptions." (Gatens 1983, p 144) In other words, the sex-gender distinction involves the assumption that the mind is a passive entity upon which the subject's social character is



inscribed. It also implicitly assumes the neutrality and passivity of the body relative to the socialisation process. Gender theorists maintain that the social determination of subjectivity operates solely in relation to consciousness; the body is regarded as having no effect upon the construction of a person's gender identity. Hence, hierarchical dualism is inherent in the sex-gender distinction in so far as the body is conceived as irrelevant to consciousness. This assumption of the neutrality of the body renders the sex-gender distinction problematic. It could be argued that despite the perpetuation of the body's marginalisation inherent in the sex-gender distinction, this formulation of subjectivity is nonetheless useful. As I have suggested, it helps to disentangle women from their traditional conflation with the body and subsequently provides a basis for the recognition of women as equal subjects. Yet, many contemporary feminist philosophers, including Elizabeth Grosz, remain dissatisfied with the neutralisation of the body that the sex-gender distinction entails. This is, as we shall see, because the neutralisation of the body signifies a failure to adequately represent women's corporeal specificity.

As suggested, the sex-gender distinction defines subjectivity solely in terms of the relation between consciousness and one's social environment. According to this formulation, the female body becomes peripheral to women's subjectivity. Thus, the sex-gender distinction allows women an identity independent of their body in order that they can be "equal" with men. However, this does not result in women being understood as embodied subjects. Rather, the attempt to neutralise the relevance of women's bodies results in a shift from women as de-subjectified bodies, to women as dis-embodied subjects. As suggested, the sex-gender distinction implies the possibility that women can be "free" from being conflated

with their body. However, this possibility only exists through women's conformity with an implicitly male definition of human subjectivity. In other words, the sex-gender distinction does not really neutralise the difference between women and men. It demands that women transcend their bodies in order to become subjects equal to men. So, not only does the sex-gender distinction leave the hierarchical division between mind and body intact, women's bodies remain the abject factor within this representation. Moreover, the sex-gender distinction, as a theory that promotes a "male-defined notion of humanity", is a theory of subjectivity incapable of properly addressing the particularity of women's corporeal existence. (Grosz 1987, p 2)

### **Constitutive Embodied Subjectivity.**

From this recognition there has emerged a division within feminist theory between egalitarian feminisms and feminisms of sexual difference or corporeal feminisms. As suggested, theorists of sexual difference argue that traditional feminist responses to essentialist conceptions of women's identity inadvertently abstract women from the particularities of their sex and demand their conformity with "an implicitly male-defined notion of humanity." (Grosz 1987, p 2) Whether women are defined as the opposite of men or, as egalitarian feminist argue, the same or similar to men, they are, as Grosz remarks, "seen as variations or versions of masculinity." (Grosz 1989 pxx) This recognition of the 'phallogentric' element of traditional feminist arguments has lead some feminists to question whether it is possible to represent women independent of such relationality. Addressing this issue, the work of Elizabeth Grosz features as instrumental in the development of new modes of representing both sexual difference and the body. Drawing from the work of the French philosopher Luce Irigaray, Grosz derives a



mode of embodiment that represents a radical break from conventional modes of theorising about the body.

For Irigaray, not only is subjectivity structured with reference to the (symbolic) meaning of the body, but the body itself is product and effect of symbolic inscription which produces it as a particular, socially appropriate type of body. (Grosz 1989, pxix)

This way of conceptualising the body represents a shift away from naturalistic, essentialist or fixed notions of the body towards a body re-theorised as an object of social production. Thus, within this re-theorisation, the body is recognised as situated within and subsequently constituted in relation to specific social and historical contexts. This constitutive theory of embodied subjectivity (or constructionism) recognises the body is a site of cultural signification.<sup>5</sup> Part of its appeal for feminism is the potential for recognising the fluidity or pliability of the body. Because the body itself is viewed as a social object, the "rigid body" of biological paradigms is replaced with a perception of the body as open to re-organisation or transformation. Feminists also argue that this way of theorising about the body allows for the recognition of women's common experience, as well as their individual specificities.

The specificity of the body must be understood in terms of its historical rather than simply biological concreteness. Indeed, there is no body as such: there are only bodies -

male or female, black, brown, white, large or small- and the graduations in between. (Grosz 1994, p19)

A theory of constitutive embodied subjectivity thus promotes an understanding of the body beyond the arguably reductionist categories of "male" and "female". In short, this way of conceptualising the body allows feminists to utilise the body as "a critical tool by which the masculinity of prevailing knowledge's can be recognised and women's specific experience articulated". (Grosz 1987, p 3)

A theory of constitutive embodied subjectivity is the source for a wide array of 'corporeal feminisms'. Contemporary feminists have utilised this concept of embodiment in areas as diverse as political philosophy, bioethics, biomedicine, anthropology and cognitive psychology.<sup>6</sup> Central to the criticisms 'feminists of embodiment' make of these disciplines is that they maintain the traditional oppositions central to Western intellectual tradition, namely mind/body, nature/culture, reason/passion, sex/gender, and that these dualisms disavow the body in a way that is ultimately problematic for women. Attempting to counteract this tradition of a forgotten body, feminists of embodiment have utilised a theory of constitutive embodied subjectivity to develop new ways of conceptualising the relationship between such dualisms. A notable example of this is Moira Gatens recent endeavours to reconceptualise the relationship between mind/body and reason/passion dualisms. Using the metaphor of the body politic, Gatens argues that 'newly imagined bodies' presents the possibility of alternate social, ethical, political and legal paradigms.<sup>7</sup>



In the area of bioethics, Rosalyn Diprose informs us of the way in which the assumption of "self present, autonomous, disembodied individuals" underlies biomedical ethics with serious consequences for women. (Diprose 1994b p 1)<sup>8</sup> She argues that the concept of 'disembodied individualism' which underlies conventional ethics, particularly contractarian ethics, fails to accommodate women's corporeal specificities. In particular, *the maternal body* fails to be represented within the contractarian model of social exchange in so far as a pregnant woman's right to sovereignty over her body/property is forfeited in the name of justice and the 'common good'. While according to Diprose, regimes of social regulation constitute women's embodiment as 'other' to men and thereby perpetuate women's exclusion from social exchange, alternatives to this understanding of sexual difference are possible. If regimes of social regulation constitute women's embodiment then alternative representations of embodiment and sexual difference might produce that difference. Accordingly, this project involves a redefinition of ethics as the interrogative practice of that which constitutes sexed embodiment. Notably, while this thesis will not be directly concerned with the issues and concerns raised within Diprose's project, it will refer to her observation that the ethics of reproductive practices appeal to a concept of 'disembodied individualism'.

Of primary concern in this thesis is the criticism of traditional mind/body dualisms which feature within the works of Judith Butler. Butler's work features an analysis of the concepts of "sex", "gender" and "sexuality", as part of a regulated and regulating cultural system of meaning, that undermines the sex-gender distinction, but which provides alternate points of theoretical and political departure for feminism. Her text Gender Trouble: Feminism and the Subversion

of Identity contests the idea that feminism requires the idea of a stable 'female' identity, usually at the centre of feminist theory and practice. She dissolves the sex-gender distinction on the basis that "sex" is an effect of discursive configurations of gender. Subsequently, Butler explores the possibility that a new type of feminist theorising and politics can emerge from a radical critique of categories of identity. The assumption of a continuous relation between the regulatory categories of "sex," "gender" and "sexuality" is linked by Butler, to the possibility of the subversion of identity. Butler's dissolution of the sex-distinction has been criticised as involving a negation or disavowal of the body. Butler remarks that she is often asked whether she has forgotten about the materiality of the body.

Theorising from the ruins of the Logos invites the following question: "What about the materiality of the body?" Actually....the question was repeatedly formulated to me in this way: "What about the materiality of the body. *Judy* ?" I took it that the addition of "Judy" was an effort to dislodge me from the more formal "Judith" and to recall me to a bodily life that could not be theorised away. (Butler 1993, p ix)

In response to such criticism, Butler's second most influential text, Bodies that Matter: On the Discursive Limits of Sex deals directly with the issue of the materiality of the body. She embarks upon a genealogy of the concept of 'sex' and reveals the way in which it 'organises' material bodies.



At the onset, I stated that the general aim of this thesis is to explore the implications of feminism's rejection of the sex-gender distinction. The history of feminist ideas which I have outlined is importantly, at stake in this thesis. In response to the recent theoretical shift perhaps it is right to ask: to what extent is a rejection of the sex-gender distinction truly justified? Moreover, to what extent does a theory of constitutive embodied subjectivity succeed where the sex-gender distinction does not? I also stated that the general aim of this thesis is to explore the implications of feminism's rejection of the sex-gender distinction for conceptions of women's agency, within the context of feminist critiques of reproductive technology. For Judith Butler, the possibility of subverting identity constitutes a form of agency; a reconfiguration of the concept of agency which contests a conventional, voluntarist concept of agency. Significantly, Butler links the primacy of a conventional concept of agency and the subsequent disavowal of alternate modes of agency, to those dualisms which are the focus of corporeal feminist critiques. She argues that the sex-gender distinction, and in particular, the assumption of mind-body dualism which underlies this distinction, is a discursive mechanism that regulates and fixes the assumption of voluntarist agency and thereby forecloses adequate concepts of agency for women.

Butler's thesis is addressed in both chapter one and chapter two of this thesis. In chapter one I begin with Butler's dissolution of the sex-gender distinction and its effects on concepts of women's agency. As we shall see, Butler's critique of the sex-gender distinction involves a rejection of the concept of prediscursive subjectivity. Prediscursive subjectivity is the idea of a pre-gendered agent capable of existential choice. Butler argues that the concept of prediscursive subjectivity forecloses adequate concepts of agency for women. This is because the subject is

confined within a regulated conception of subjectivity which is assumed to be natural and therefore fixed. It is assumed to be fixed because the conditions which regulate subjectivity conceal its discursive origins. By contrast, Butler investigates those rules and practices which regulate the concept of prediscursive subjectivity. Through this investigation, Butler dissolves the assumption of prediscursive subjectivity by arguing that subjects are in fact produced by discursive configurations of gender. Also in chapter one, I argue that Butler's rejection of the concept of prediscursive subjectivity necessitates a reconfiguration of the concept of agency. This is argued on the basis that conventional conceptions of agency rely upon the concept of a prediscursive subject which Butler dissolves.

The value of Butler's thesis, I suggest, becomes evident when considered in the context of another domain within philosophy, that is, radical feminist critiques of reproductive technology. This discussion started with an example of a recent feminist response to the issue of reproductive technology. The sentiments expressed in this slogan reflect a radical feminist response to the issue of reproductive technology. It should be acknowledged that contemporary feminism remains divided in its response to the issue of reproductive technologies. While the justification for the radical feminist position varies, generally, it involves assessing reproductive technologies as inherently patriarchal.<sup>9</sup> Such technologies are seen as instruments of control and domination over women's bodies, in particular, an attempt to control and dominate the reproductive function. Thus radical feminists maintain that reproductive technologies constitute a form of violence against women and that their use leads to a perpetuation of patriarchal power. In opposition to this generalised radical feminist position, liberal feminists



take issue with the belief that reproductive technologies are inherently patriarchal.<sup>10</sup> This position is not to be confused with an unquestioned acceptance of reproductive technologies as liberal feminists raise notable objections to the institutional settings in which these technologies are used. Liberal feminists seek to separate reproductive technologies from the power relations that surround them. This separation is based on the premise that reproductive technologies are not patriarchal but neutral and only become problematic in relation to the attitudes and practices of the medical profession. Liberal feminists thus seek to constrain the abusive use of reproductive technologies vis interventions into the institutional settings in which these technologies are used. Such a restructuring they argue, would ensure that reproductive technologies would be an empowering resource for women allowing them the right of reproductive choice.

The line dividing these two perspectives is not always clear; just as liberal feminists demand intervention into the institutional settings in which reproductive technologies are used, radical feminists also regard the institutional settings, and in particular the attitudes and practices of the medical profession as questionable.<sup>11</sup> For the most part however, we can discern the radical feminist position by its unquestionable denial that reproductive technologies are, under any circumstances liberating for women, and by their call for women's withdrawal from such practices. A more accurate account of the radical feminist position will be given in this thesis in relation to the issue of the foreclosing of concepts of agency. My consideration of this issue is assisted by the recognition, inherent in Rosalyn Diprose's critique of bioethics, that the fundamental principles of bioethics are based on a concept of 'disembodied individualism'. I

argue that a concept of disembodied individualism legitimates a concept of prediscursive subjectivity. One consequence of this connection is that a concept of prediscursive subjectivity is perpetuated within the realm of bioethics, and in particular, the radical feminist critique of reproductive technology. Consequently, I argue that according to Butler's thesis, feminist criticisms of reproductive technology are associated with the foreclosing of adequate concepts of agency for women. Finally, I conclude chapter one by asking whether a Butlerian conception of agency can address this problematic feature of the radical feminist critique of reproductive technology.

Chapter two of this thesis begins by outlining Butler's reconfiguration of the concept of agency. I then apply this re-configuration to the radical feminist critique of reproductive technology. First, while I endorse Butler's conception of subjectivity, I argue that Butler's reconfiguration of agency cannot substitute for conventional conceptions of agency. This is argued on the basis that conventional conceptions of agency are, as Butler acknowledges, a necessary political fiction. One consequence emerges from this conclusion; the appeal to conventional conceptions of agency by the radical feminist critique cannot be a basis for a rejection of that critique. I argue that this conclusion produces an apparent conflict. While it appears as if a conventional concept of agency needs to be retained in relation to radical feminist critiques of reproductive technology, this does not resolve the problem of the perpetuation of a concept of prediscursive subjectivity within those critiques. I attempt to resolve this conflict by arguing that it is possible to retain a conventional conception of agency as well as Butler's reconfiguration of agency. This argument is elucidated by showing the way in



which Butler's reconfiguration of agency accommodates the possibility of change for women within the context of the issue of reproductive technology.

## PART ONE ~

For those philosophers concerned with women's social position, the sex-gender distinction has proved to be a valuable theoretical tool. It has allowed theorists to address the issue of women's traditional conflation with their bodies and subsequently provide the basis for a recognition of women as equal subjects. In light of contemporary feminism's rejection of the sex-gender distinction an important question arises. What is the effect of this rejection upon feminist theory and politics? In the following discussion I will indirectly address this question by asking what is the effect of Judith Butler's rejection of the sex-gender distinction for concepts of women's agency. In order to evaluate Butler's thesis, it is necessary to situate this issue within a specific context, preferably one that is especially pertinent to the issue of women's agency. Accordingly, this discussion will consider the issue of women's agency within the context of radical feminist critiques of reproductive technology. Given that this domain has traditionally relied upon the sex-gender distinction, it provides an excellent context in which to compare and contrast conventional and contemporary approaches to this issue. Leading up to a discussion of radical feminist critiques of reproductive technology, I will appeal to a critique of the concept of embodiment that underlies feminist bioethics offered by Rosalyn Diprose. Finally, the contents of this chapter forms the basis for a subsequent discussion of the effect of feminism's rejection of the sex-gender distinction upon concepts of women's agency and the significance and value of Butler's thesis to feminism.



The following outline guides the reader through the contents of chapter one. I will outline the way in which the issue of agency arises within Judith Butler's critique of the sex-gender distinction. I will show that Butler criticises the concept of prediscursive subjectivity which underlies the sex-gender distinction on the basis that it forecloses adequate concepts of agency for women. The conclusion that will be drawn from this discussion is that Butler's dissolution of the concept of prediscursive subjectivity necessitates a radical re-configuration of the concept of agency. Secondly, I will borrow from Rosalyn Diprose's critique of bioethics the concept of disembodied embodiment, elucidating the way in which this concept underlies the radical feminist critique of reproductive technologies. Further, I will argue that a concept of disembodied individualism amounts to a concept of prediscursive embodiment. Consequently, I shall maintain that the radical feminist critique of reproductive technology is implicated in the problem of the foreclosing of adequate concepts of women's agency. Finally, I will conclude this chapter by asking whether one way to address this problematic feature of the radical feminist critique of reproductive technology is to institute a Butlerian re-configuration of agency.

### **Judith Butler's Critique of the Sex-gender Distinction and "Agency".**

In the introduction I outlined four important points relating to feminism and concepts of subjectivity. First, a dualist conception of subjectivity is linked with women's subordination. Second, feminists have responded to the biologically essentialist based arguments for the subjugation of women by formulating the sex-gender distinction. Third, contemporary feminists have criticised a sex-gender distinction because it inadvertently perpetuates dualism. Fourth, feminists have formulated an alternate conception of subjectivity, namely, a theory of

constitutive embodied subjectivity. In a theory of constitutive embodied subjectivity, the body is figured as an effect of social production. In other words, the body is assumed to be constituted in relation to a specific social and historical context. Thus, bodies are social or historical rather than biologically specific and fixed. Feminists regard this as positive because it allows for the recognition of women's collective *and* individual differences. In other words, a theory of constitutive embodied subjectivity accommodates the idea that bodies are not simply "male" and "female". It allows for the recognition of the innumerable "systems of meaning, signification and representation" which are at play in the constitution of women's embodied subjectivity. (Grosz 1994; p 18)

Indeed, there is no body as such: rather there are only *bodies* - male or female, black, brown, white, large or small - and the graduations in between. Bodies can be understood...as a field, a two-dimensional continuum in which race (and possibly even class, caste, or religion) form body specifications. (Grosz 1994; p 19)

I will now relate Judith Butler's critique of the sex-gender distinction to this contemporary account of embodied subjectivity. In her text Gender Trouble: Feminism and the Subversion of Identity, Judith Butler discusses the way in which egalitarian feminists and social constructionists employ the sex-gender distinction. Butler draws attention to the way in which these appropriations of the sex-gender distinction perpetuate a conception of the body that is ahistorical or fixed. First, consider Butler's critique of the social constructionist's appropriation of the sex-gender distinction. According to social constructionists, gender is



constructed upon "anatomically differentiated bodies, where those bodies are understood as passive recipients of an inexorable cultural law." (Butler 1990, p 8)

It has been argued however that this specific formulation of the relation between sex and gender involves an internal contradiction. Gatens argues for instance that social constructionists understand the sex-gender distinction as a body-consciousness distinction. According to this "uncritical use of the mind-body distinction", social constructionists perpetuate a conception of the subject as wholly determined by social relations (Gatens 1983, p147). Gatens reminds us that this position involves the assumption of a naive causal relation between the environment and the mind and that this viewpoint is committed to a neutral and passive concept of the body. (Gatens 1983, p147) So, social constructionists have appropriated the sex-gender distinction in order to confront biologically determinist conceptions of woman. However, the presumption of a passive body contained within this account of the sex-gender distinction is equally as deterministic. Within the social constructionist conception of subjectivity - where the body figures as passive - culture, as opposed to biology, is the determining feature in the construction of subjectivity. (Butler 1990, p 8)

Similarly, Butler maintains that egalitarian feminists evoke a conception of the body that is biologically determined or fixed. Significantly, Butler maintains that this concept of a biologically determined body simultaneously evokes the concept of a pre-social subject, that is, a subject that exists prior to the acquisition of culturally determined identity. Butler illustrates this point with reference to Simone de Beauvoir. Beauvoir addresses the issue of the construction of gender in The Second Sex and suggests that "one is not born a woman but, rather, one becomes a woman". (Beauvoir 1988, p 295) According to Butler, this suggestion

evokes the notion of an agent (a cogito) who appropriates their gender. In particular, the body is presented as a vehicle through which an "appropriative and interpretive will determines a cultural meaning for itself." (Butler 1990, p 8) Thus for Butler, the sex-gender distinction that underlies egalitarian feminism figures the body as "a mere instrument or medium for which a set of cultural meanings are only externally related." (Butler 1990, p 8) In other words, it is not simply that Butler maintains that both social constructionists and egalitarian feminists evoke a conception of the body that is biologically determined, fixed and ahistorical. This concept of the body is linked with the idea of a pre-social subject who is assumed to have "some stable existence prior to the cultural field that it negotiates." (Butler 1990, p 142) Hence, Butler argues that the sex-gender distinction perpetuates not simply the concept of an ahistorical body, but simultaneously implies the existence of a pre-gendered subject who is "vested with an agency". (Butler 1990, p 142)

### **Subjectivity and Agency**

Butler regards this concept of prediscursive subjectivity as problematic in so far as it is linked to the foreclosing of adequate concepts of agency. In order to realise this argument it is necessary to outline the conventional understanding of the relationship between concepts of "subjectivity" and "agency". Accordingly, let me offer a brief account of Butler's interpretation of this relationship. Within Gender Trouble: Feminism and the Subversion of Identity, Judith Butler elucidates a particular understanding of the relationship between subjectivity and agency. Conventionally, the question of subjective agency has been dependent upon the concept of a prediscursive subject.



The question of locating "agency" is usually associated with the viability of the "subject", where the "subject" is understood to have some stable existence prior to the cultural field that it negotiates. (Butler 1990, p 142)

As this quote suggests, prediscursive subjectivity is defined as that aspect of subjectivity which precedes and is independent of socially acquired identity, and, which is also the point of agency for the subject. In other words, Butler is suggesting that conventionally, the concept of prediscursive subjectivity figures as the metaphysical locus of agency. As I have shown, Butler illustrates this point by examining the egalitarian feminist's account of gendered subjectivity. In particular, we saw how Beauvoir's account of subjectivity evokes the notion of a pre-social agent who in some sense appropriates and interprets their gender. Butler is trying to emphasise that the concept of a prediscursive subject is consistently presumed to be linked to a subject's capacity for agency. In particular, she is suggesting that by maintaining the concept of a prediscursive subject, theorists are also sustaining the idea of a subject capable of existential choice.

In other words, theorists believe that in maintaining the concept of a prediscursive subject they are sustaining the possibility of agency for the subject. Butler describes the reasoning that underlies this traditional understanding of agency. Butler observes that a conventional understanding of the relation between subjectivity and agency assumes that:

- (a) agency can only be established through recourse to an "I", even if that "I" is to be found in the midst of a

discursive convergence, and (b) that to be constituted by discourse, is to be determined by discourse, where determination forecloses the possibility of agency.

(Butler: 1990, p143)

In other words, the concept of voluntarist agency appears to require the assumption of subjectivity which is prediscursive. This is because abandoning the idea of a prediscursive subject - a subject exterior to discourse - suggests that the subject is completely determined by culture or discourse. In other words, if there can be no recourse to a prediscursive subject, then the subject appears to be constrained within the terms of discourse itself.

Butler describes this point as a conflict between constructionism and determinism. Constructionism we shall say, is the idea that subjects are constituted through language. It has been argued that this idea implies a type of determinism because, as we saw, in the absence of a prediscursive subject, subjects appear to be fully determined by discourse. Seyla Benhabib for instance, criticises Butler's thesis of subject constitution on the basis that it appears to be deterministic. In particular, she questions whether Butler's account of subject formation can in fact "account for the capacities of agency and resignification it wants to attribute to individuals, thus explaining not only the constitution of the self but also the resistance that this very self is capable of in the face of power/discourse regimes?" (Benhabib 1995b, p111) Butler herself acknowledges the apparent problem of determinism by asking how, without recourse to the concept of a prediscursive subject, constructionism could accommodate the possibility of agency :



If there is no recourse to a "person", a "sex", or a "sexuality" that escapes the matrix of power and discursive relations that effectively produce and regulate the intelligibility of those concepts for us, what constitutes the possibility of effective inversion, subversion, or displacement within the terms of a constructed identity? (Butler 1990, p 32)

It is important to understand what Butler means by agency here. Agency refers to a subject's capacity to invert, subvert or displace the social systems of meaning that constitute the subject. Butler recognises that constructionism does not seem to allow for the idea of a "before", "outside", or "beyond" one's discursively constituted subjectivity. Accordingly she asks where is the ground - once provided by a concept of a prediscursive subject - from which to effectively transform one's discursively constituted subjectivity? This issue shall be addressed later. Presently however, it is important to recognise that Butler recognises the tension between constructionism and determinism. She acknowledges that it seems necessary to maintain a concept of prediscursive subjectivity. This is in order to ensure that the subject is not constrained wholly within the terms of discourse. Significantly however, this is where Butler's alliance with critics of constructionism ends. Alternatively, Butler offers us a fascinating response to the apparent problem of determinism.

We have seen that critics of constructionism such as Benhabib, advocate the need to retain a concept of prediscursive subjectivity so the subject will not be seen as fully determined by discourse. However, Butler argues that this position contains

a significant contradiction. Constructionism is the idea that subjects are constituted through language. According to Butler, the suggestion that one should maintain a concept of prediscursive subjectivity thus ignores what constructionism is suggesting to us. In particular, it fails to recognise that the "subject" is itself a product of signification. As Butler outlines, it is the structure of signification that is the enabling condition for the formation of the subject:

...the enabling conditions for the assertion of an "I" are provided by the structure of signification,..... Language is not an exterior medium or instrument into which I pour a self and from which I glean a reflection of that self.  
(Butler 1990, p 144)

Thus, while critics of constructionism maintain that the concept of a prediscursive subject is a necessary pre-requisite to agency, Butler reminds us that it is only through discursive traditions that a specific configuration of subjectivity emerges. In other words, the assumption of prediscursive subjectivity conflicts with the basic premise of constructionism, namely, that the subject is a product of signification.

Butler has several purposes in providing us with this reminder. One of these, I have suggested, is to highlight the contradiction evident in critiques of constructionism. Secondly however, Butler wishes to make a point about the discursive origins of concepts of agency. Butler maintains that the constitutive effect of language extend to concepts beyond subjectivity. In particular, some feminist theorists have constructed a specific relation between the concepts of



subjectivity and agency. Notably, this relationship figures a highly specific conception of agency, that is, one which requires the concept of prediscursive subjectivity; a concept of prediscursive agency. So, not only does discourse determine the subject, it also regulates our understanding of agency. According to this idea, Butler argues that adherence to a concept of prediscursive of agency is inadequate in so far as it forecloses the possibility of other concepts of agency.

What discursive tradition establishes the "I" and its "Other" in an epistemological confrontation that subsequently decides where and how questions of knowability and agency are to be determined? What kinds of agency are foreclosed through the positing of an epistemological subject precisely because the rules and practices that govern the invocation of that subject and regulate its agency in advance are ruled out as sites of analysis and critical intervention. (Butler 1990, p144)

The preceding discussion was intended to reveal two important points. First, that the sex-gender distinction perpetuates the concept of prediscursive subjectivity. Second, that this is problematic because the concept of prediscursive subjectivity is linked to the foreclosing of adequate concepts of agency. The concept of prediscursive subjectivity is discursively figured as external to discourse. Consequently, it is exempt from critical investigation. It is therefore a conception of subjectivity which is assumed to be natural and therefore fixed. Since it is also the metaphysical locus of agency, strict adherence to the concept of prediscursive

subjectivity forecloses the possibility of alternate concepts of agency. In short, Butler argues that the failure to recognise the discursive origins of the concept of prediscursive subjectivity forecloses the possibility of alternate concepts of both subjectivity and agency.

In response to this, Butler attempts to expose the discursive origins of subjectivity. In particular, she endeavours to analyse "the rules and practices that govern the invocation of [the] subject and regulate its agency". (Butler 1990, p 144) I began this chapter with the question of why Butler advocates the dissolution of the sex-gender distinction. It should now be evident that it is because it perpetuates a concept of prediscursive subjectivity which for Butler, leads to the foreclosing of adequate concepts of agency. Hence, for Butler, the sex-gender distinction constitutes an example of the way in which the subject comes to be regulated and confined within a specific configuration of subjectivity. By making the sex-gender distinction a site of critical intervention however, Butler attempts to dissolve the assumption of prediscursive subjectivity. In short, Butler's critique of the sex-gender distinction is intended to show the way in which the assumption of a prediscursive subject is discursively instituted. Let us then turn to Butler's analysis of the sex-gender distinction, keeping in mind that she is attempting to expose the discursive origins of subjectivity. Butler begins her critique of the sex-gender distinction by dissolving the assumption of prediscursive embodiment.



### The Discursive Construction of "Sex"

As outlined, the sex-gender distinction presumes the "biological intractability of sex". (Butler 1990, p 6) Butler however wishes to contest the discontinuity between sexed bodies and culturally constructed genders. She does this by questioning the very idea of the biological intractability of sex. According to Butler, the sex-gender distinction is problematic because it is based on a failure to acknowledge the discursive means through which "sex" figures as both immutable and radically discontinuous from gender. Just as "gender" is assumed within the sex-gender distinction to have a constructed status, Butler asks whether "sex" itself does not have a history of signification, within which the ostensibly natural fact of "sex" is in fact discursively produced?

....what is sex anyway? Is it natural, anatomical, chromosomal, or hormonal, and how is a feminist critic to assess the scientific discourses which purport to establish such "facts" for us? Does sex have a history? Does each sex have a different history, or histories? Is there a history of how the duality of sex was established, a genealogy that might expose the binary options as a variable construction? (Butler 1990, p 7)

For Butler, when feminism inquires as to how "gender" is culturally formulated, this focus misses the more fundamental question of whether the sex-gender distinction warrants its own genealogical investigation. This question is more fundamental according to Butler, because it recognises the sex-gender distinction as a discursive formation through which the assumption of a "natural sex" is derived. In acknowledging both "gender" *and* "sex" as sites of contestable

meaning, Butler maintains that sex is revealed as "always already gendered" such that "the distinction between sex and gender turns out to be no distinction at all." (Butler 1990, p 7) In order to highlight the way in which "sex" is a site of contestable meaning, Butler embarks upon her own genealogical investigation of the concept of "sex".

Butler argues that biological sex is discursively produced. She does this by contesting the assumption that sexual difference is a prediscursive phenomenon by virtue of the indissociable relation of "sex" to the materiality of the body. In questioning the allocation of sex to a prediscursive domain, Butler is questioning that the materiality of the body should be presumed to exist within the domain of the prediscursive. She is also questioning whether the sexual categories that emerge from material differences should be presumed to exist within this domain. Butler maintains however, that such categories are not an effect of material differences so much as they are the product of the discursive category "sex". The discursive category "sex" "is part of a regulatory practice that produces the bodies it governs." (Butler 1993, p 1) In other words, the idea that the materiality of the body is experienced only through the discursive production of sex suggests that the materiality of the body is itself a product of signification. The concept of materiality is supposed to secure the idea of an "outside" to discourse. Yet, as a concept, it has no such exteriority. Hence Butler questions whether language can refer to materiality without "creating the very condition under which materiality may be said to appear". (Butler 1993, p 31)

The body posited as prior to the sign, is always posited or signified as prior. This signification produces as an *effect*



of its own procedure the very body that it nevertheless and simultaneously claims to discover as that which precedes its own actions. (Butler 1993, p 30)

Moreover, though materiality is conventionally defined as *natural*, "nature" too may be regarded as having a history of signification. Butler addresses the issue of the relation between culture and nature often presumed within egalitarian accounts of gender. Within these accounts it is implied that culture acts upon nature, where nature is conceived as "a passive surface, outside the social and yet its necessary counterpart." (Butler 1993, p 4) According to Butler however, the conception that the natural exists prior to signification misses two important points. First, that nature is a concept which, like all concepts, has a history of signification. Second, that "sex is positioned ambiguously in relation to that concept and its history." (Butler 1993, p 5) As outlined, the egalitarian feminist thesis involves the idea that the natural body has no social value and is that which passively awaits social inscription. In contrast, Butler argues that the concept of "natural" (bodies) is *discursively figured* as that which has no social value and which passively awaits social inscription. In other words, "nature" is discursively figured *as that* which is prediscursive. In this sense there is nothing, including the material body, that is natural or prediscursive. There is only a discursive configuration of the natural as something which is prediscursive. As Butler suggests, "the social construction of the natural presupposes the cancellation of the natural by the social." (Butler 1993, p 5)

Butler applies the recognition of the social or discursive construction of the natural to the issue of sex as a discursive product. The recognition of "the natural" as discursively constructed dissolves the domain in which "natural sex" is said to reside. Moreover, there is an historically ambiguous relation of sex to discursive configurations of the "natural".

[if the natural] assumes its value at the same time that it assumes its social character, that is, at the same time that nature relinquishes itself as the natural..[then]..the sex-gender division founders on parallel lines; if gender is the social significance that sex assumes within a given culture....then what, if anything is left of "sex" once it has assumed it's social character as gender? (Butler 1993, p 5)

For Butler it is not the case, as presumed within the sex-gender distinction, that biological sex is a "natural" foundation from which gender is socially acquired. Rather, "sex", like "nature", comes into being at the moment it figures discursively. This also suggests that, like "nature", "sex" relinquishes itself at the moment "gender" comes into being.

If gender consists in the social meanings that sex assumes, then sex does not *accrue* social meanings as additive properties but, rather, *is replaced by* the social meanings it takes on; sex is relinquished in the course of that assumption, and gender emerges, not as a term in a continued relationship of opposition to sex, but of its full substantiation into gender or what, from a materialist



point of view, might constitute a full *de* substantiation.

(Butler 1993, p 5)

Apparently then, Butler attempts to dissolve the sex-gender distinction by analysing the discursive origins of sexual difference. She argues that biological sex is a product of discursive configurations of gender. Thus "sex" has a history of signification that undermines the possibility of "sex" as a prediscursive category. Specifically, Butler maintains the idea of the discursive origins of sex through an examination of the relation between the concept of "sex" and the concept of "material" or "natural" bodies. Concepts of "materiality" and "the natural" imply the idea of a realm outside of language in which "material" or "natural" bodies may be said to exist. Butler reminds us however, that such discursive concepts are the very condition under which "the natural" and "materiality" come to exist. Broadly therefore, Butler reveals the discursive origins of sexual difference by undermining the possibility of a natural or prediscursive realm in which sexual difference is said to exist. The sex-gender distinction implicitly assumes biological sexual difference as natural. According to Butler's thesis however, sexual difference should be regarded as having a discursive rather than a natural significance.

### **"Sex" and Compulsory Heterosexuality**

Another way in which Butler attempts to demonstrate the discursive origins of subjectivity is by showing the way in which it relates to culturally compulsory heterosexuality. As I will outline, Butler argues that culturally normative sexuality depends upon the production and maintenance of a binary frame for sex. A binary

frame for sex refers to the complementary concepts of "male" and "female" which are assumed to be biologically determined and therefore fixed. Culturally normative sexuality is dependent upon a binary frame for sex because this frame helps to foster the assumption that sex is a cause of sexual desire. Butler regards compulsory heterosexuality as figuring in the *production* and *stabilisation* of a binary gender configuration. In relation to the production of a binary frame for sex, Butler argues that compulsory heterosexuality requires and regulates both "gender" and "sex" as a binary relation.

The heterosexualization of desire requires and institutes the production of discrete and asymmetrical oppositions between "feminine" and "masculine", where these are understood as expressive attributes of "male" and "female". (Butler 1990, p 17)

She argues that compulsory heterosexuality emerges as a product of a matrix of cultural intelligibility. According to a triadic figuration of sex, gender and desire, the cultural "heterosexualisation of desire" includes a specific relation between sex, gender, and sexual practice and/or desire. In Butler's words, "the act of differentiating the two oppositional moments of the binary results in a consolidation of each term, the respective internal coherence of sex, gender, and desire." (Butler 1990, p 23)

Accordingly, the *stability* of this normative conception of sexuality demands the assumption of the inevitability and fixed nature of a binary configuration of sex. Again, this assumption emerges as a product of the compulsory order of sex,



gender and desire. The matrix of cultural intelligibility carries the assumption of compulsory and naturalised heterosexuality. Simultaneously, it institutes biological sex as the "natural" and therefore unchanging ground from which gender and desire naturally emerge. Thus, the notion that "sex" is a cause of sexual experience is an effect of:

..the production of a given regime of sexuality that seeks to regulate sexual experience by instating the discrete categories of sex as foundational and causal functions within any discursive account of sexuality. (Butler 1990, p 23)

The heterosexualisation of desire requires and institutes a binary configuration of sex and gender. The stability of this configuration depends upon the institution of biological sex as the natural foundation from which compulsory heterosexuality is assumed to emerge.

Specifically then, how does Butler's observance of a compulsory order of sex, gender and desire, relate to the idea of the discursive origins of sex? As I have shown, compulsory heterosexuality relies not only upon a specific binary configuration of sex, but also the stabilisation of this frame. Not only is the binary relation of sex accomplished through the practice of heterosexual desire, the stability of the binary relation also relies upon the production of the categories of "female" and "male". Thus, the substantiation of heterosexual desire depends upon the proliferation and maintenance of sexed categories within a binary frame. Butler cites Foucault's recognition of the relation between historically specific

modes of sexuality and the construction of the binary categorisation of sex.<sup>12</sup> The production of the binary categorisation of sex she argues, involves concealing "the strategic aims of that very apparatus of production by postulating sex as a cause of sexual experience, behaviour, and desire." (Butler 1990, p 23) Hence, in terms of the relation between sex and desire, the binary categorisation of sex is an *effect* rather than a *cause* of the regulation of sexual experience. According to Butler therefore, the concept of a binary sex is an effect of "the production of a given regime of sexuality", that regime being compulsory heterosexuality. (Butler 1990, p 23) Moreover, the regulation of sexuality as normatively heterosexual, involves the initiation of "discrete categories of sex as foundational and causal functions within any discursive account of sexuality." (Butler 1990, p 23) Again therefore, Butler emphasises the discursive origins of a binary frame for sex. In this instance a binary frame for sex, is not natural, but an effect of the heterosexualisation of desire. The practice of heterosexual desire is not only premised on the assumption of the causal relation between sex, gender and desire. This triadic configuration is stabilised through its implicit assumption of the natural or prediscursive origins of sex. Biological sex is seen as the causal factor through which the cultural matrix is established and maintained.

Butler emphasises a third aspect of the relation between compulsory heterosexuality and the stabilisation of a binary gender configuration, that is, a system of compulsory heterosexuality which underlies the establishment and maintenance of *normative* identity concepts. Butler argues that this cultural matrix generates what she calls 'coherent' or 'intelligible' gender identities, that is, identities which reflect a continuous relation between sex, gender and desire.



“Intelligible” genders are those which in some sense institute and maintain relations of coherence and continuity among sex, gender, sexual practice, and desire.

(Butler 1990, p 17)

In other words, coherent gender identities are those in which gender follows sex, and desire follows gender, according to the binary nature of the matrix of cultural intelligibility. In short, the heterosexualisation of desire leads to the substantiation of culturally intelligible or normative gender identities. Such normative identities are those which accord with a specific and continuous relation between sex, gender and desire.

Important for Butler is the method through which normative gender identities are maintained. Once again we must turn to the erroneous assumption of prediscursive embodiment that underlies the matrix of cultural intelligibility. As outlined, the heterosexualisation of desire is maintained on the assumption that biological sex is the "natural" foundation from which heterosexuality emerges. Accordingly, the assumption of biological sex as "natural" also figures as the unchangeable foundation of the cultural matrix that generates coherent gender identities. So, just as the heterosexualisation of desire is maintained through the assumption of "sex" as the prediscursive origin of desire, the cultural matrix is maintained according to the same assumption. Consequently, as coherent or normative gender identities are produced by the cultural matrix, the assumption of the prediscursive nature of biological sex assists in the maintenance of normative gender identities. Thus for Butler, the regulatory practices that generate coherent

identities through the matrix of intelligibility, both produce and are maintained by the assumption of the prediscursive nature of the binary frame for sex.

Significantly, Butler argues that the generation of coherent gender norms involves the simultaneous production of a realm of 'abject' gender configurations. As outlined, the cultural matrix that posits as normative a continuous relation between sex, gender and desire, generates so-called coherent gender identities. However, Butler maintains that the production of normative gender configurations involves the simultaneous production of identity configurations that exceed or contradict the terms of cultural intelligibility.

The cultural matrix through which gender identity has become intelligible requires that certain kinds of "identities" cannot "exist" - that is, those in which gender does not follow from sex and those in which the practices of desire do not follow from either sex or gender. (Butler 1990, p 17)

We have seen that the cultural matrix of coherent gender norms is characteristically binary in its formation, and sex is regarded as the unchangeable or natural ground upon which this matrix is founded. Consequently where ever a relation between sex, gender and desire manifests itself that does not conform to the characteristically binary matrix, it is regarded as an unnatural or abnormal phenomenon. Abject or unlawful configurations, argues Butler, are those that illustrate a *discontinuous* relation between sex, gender and desire. The generation of coherent identities is in part achieved through the prohibition of those gender



configurations in which 'gender does not follow from sex, or the practice of desire does not follow from either sex or gender' according to the binary matrix of cultural intelligibility. The "effeminate male" would be one such unlawful configuration. The effeminate male contradicts the terms of intelligibility in so far as it reflects a discontinuous relation between sex and gender. According to the terms of intelligibility, only females are supposed to be 'womanly' or 'feminine'. The effeminate male clearly exists within culture, but as an identity which contradicts the terms of intelligibility, it figures within culture as an identity which is abject or abnormal.<sup>13</sup>

So for Butler, the cultural matrix of intelligibility forbids the manifestation of identities that reflect alternate matrices of gender configurations. Significantly, the fact such identities are culturally forbidden does not mean that they do not occur. To the contrary, we will later see the way in which Butler regards abject identities as an inevitable manifestation of the matrix of cultural intelligibility. What it does mean however, is that discontinuous gender configurations occupy a culturally marginalised or abject position within the realm of cultural intelligibility. As Butler explains, the manifestation of gender configurations that contradict the characteristically binary nature of that matrix are automatically regarded as "developmental failures or logical impossibilities from within that domain." (Butler 1990, p 17) In chapter two I will focus on the way in which Butler regards the existence of "unlawful" gender configurations as the means through which to contest (and perhaps extend) the domain of cultural intelligibility.

### Critique of the Subject

I have so far demonstrated the way in which Butler attempts to destabilise the concept of prediscursive subjectivity by exposing the subject as a product of discursive configurations of gender. So far, this has involved dissolving the assumption of prediscursive embodiment. Sexed bodies should be seen as the material effect of discursively produced gender configurations. Furthermore, Butler's attempt to destabilise the assumption of a prediscursive subject extends beyond a critique of prediscursive embodiment. Butler wants to emphasize that not only is the body constituted in relation to discursive configurations of gender, but the subject *per se* becomes a subject, precisely through becoming gendered. This point becomes clearer when we consider Butler's critique of a unified conception of the subject.

As outlined, the matrix of intelligibility that generates coherent gender identities supposes a causally continuous relation among sex, gender, and desire. It has also been shown that this matrix involves the idea that biological sex is natural and therefore unchanging. According to Butler, it also assumes a conception of identity as one which is "self identical, persisting through time as the same, unified and internally coherent." (Butler 1990, p 16) Thus, consistent with her attempts to reveal biological sex as having a history of signification, Butler asks whether unified subjectivity is the product of discursive configurations:

To what extent do *regulatory practices* of gender formation and division constitute identity, the internal coherence of the subject, indeed, the self identical status of the person? (Butler 1990, p 16)



More closely, this critique of the subject involves questioning traditional philosophical conceptions of personhood as ontologically prior to the acquisition of gender identity. Conventional philosophical and sociological conceptions of personhood, according to Butler, are characterised by the assumption of the irrelevance of social context to the constitution of the subject. In particular, at least in so far as a "person" is conceived in terms of "consciousness, the capacity for language, or moral deliberation", conventional conceptions of personhood are characterised independently of social context. (Butler 1990, p 16) For Butler however, subjectivity does not exist prior to the acquisition of one's gendered identity. Rather, subjects become subjects precisely through becoming gendered. So, not only does Butler relegate "sex" to the realm of the discursive, she eliminates any conception of a prediscursive subject by arguing that subjectivity is itself derivative of the cultural matrix of gender.

Butler's critique of unified subjectivity specifically relates to a perspective on the relation between language and reality contained within contemporary philosophical debate. Butler maintains that within contemporary philosophical criticism, it has been argued that:

[certain] philosophical ontologies have been trapped within a certain illusion of "Being" and "Substance" that are fostered by the belief that the grammatical formulation of subject and predicate reflects the prior ontological reality of substance and attribute. (Butler 1990, p 20)

This perspective involves questioning the presumption of the truth of grammatical formulations of subject and predicate. Moreover, it questions the truth of the configuration of "Being" as ontologically prior to discourse that emerges from the presumption of the truth of grammatical formulations of subject and predicate. For instance, it might be suggested that the "I" in Descartes' proposition "I think therefore I am" is assumed to be a unified being, characterised by its capacity for rational thought. Descartes' ontology seems to assume a unified subject whose unified status and capacity for rational thought are assumed to exist prior to social context or identity. Butler emphasises the essentially discursive status of the grammatical formulations of subject and predicate. Understood as essentially discursive formations, these grammatical categories thus reveal the illusion of the "truth" of a prediscursive subjectivity. Subjects are not subjects prior to an acquisition of social identity, rather subjects *become* subjects through the constitutive effects of discourse. Moreover it may be said that these essentially grammatical constructs are the artificial means through which the concept of prediscursive identity is effectively instituted and maintained. Butler maintains that this ostensibly Nietzschean critique of the metaphysics of substance "becomes instructive when it is applied to the psychological categories that govern much popular and theoretical thinking about gender identity....the critique of the metaphysics of substance implies a critique of the very notion of the psychological person as a substantive thing." (Butler 1990, p 20) Thus, for Butler, behind the dissolution of the sex-distinction is a broader claim regarding the construction of subjectivity. The idea of unified subjectivity is a culturally produced rather than a natural or prediscursive phenomenon.<sup>14</sup>



I began by stating that for Butler the sex-gender distinction perpetuates a concept of prediscursive subjectivity which forecloses adequate concepts of agency for women. This is because the concept of prediscursive subjectivity regulates a specific configuration of both subjectivity and agency, which are thereby assumed to be fixed. For Butler, there are specific rules and practices which help to perpetuate the assumption of prediscursive subjectivity. Within her critique of the sex-gender distinction, we have seen how Butler attempts to reveal those rules and practices, and hence to dissolve the concept of prediscursive subjectivity. Simultaneously, Butler contests the assumption of prediscursive embodiment. She questions the assumption, that sexual difference is a prediscursive phenomenon by virtue of an indissociable relation of "sex" to the materiality of the body. She does this by arguing that sex is a product of cultural meanings rather than biology.

Butler also maintains that the concept of an intractable material reality is instituted via a necessary relation to compulsory heterosexuality. In other words, compulsory heterosexuality is instituted through a matrix of intelligibility that is founded on a binary frame for sex. Moreover, this matrix is maintained on the presumption that sexed bodies are a prediscursive phenomenon and are therefore natural and fixed. The concept of prediscursive embodiment also functions to conceal the discursive origins of the concept of prediscursive subjectivity. As we have seen, the concept of prediscursive embodiment evokes the idea of a pregendered or prediscursive subject. Presumed to be fixed, the concept of prediscursive embodiment regulates and fixes the concept of prediscursive subjectivity. Significantly, however, we have also seen that Butler attempts to dissolve the distinction between prediscursive embodiment and gendered

subjectivity. For Butler, subjectivity is an effect of discursive configurations of gender; the subject becomes a subject precisely through being gendered.

Butler's thesis renders the traditional understanding of the relationship between subjectivity and agency problematic. I have outlined the way in which conventionally, the concept of agency is assumed to be dependent upon the concept of prediscursive subjectivity. As we have seen however, for Butler the concept of prediscursive subjectivity functions to foreclose adequate concepts of agency. We have also seen that Butler attempts to dissolve the concept of prediscursive subjectivity on the basis that subjects are in fact an effect of discursive configurations of gender. However, if the concept of agency has traditionally relied upon the concept of prediscursive subjectivity then it seems that Butler's thesis undermines a traditional conception of agency. How does Butler's thesis accommodate the possibility of agency for the subject? Or as Benhabib asks, "How can one be constituted by discourse without being determined by it?" (Benhabib 1995b, p 110) Having undermined the concept of prediscursive subjectivity, and seemingly therefore, a conventional conception of agency, what alternative can Butler offer us in order that subjects still have agency? Apparently, Butler's thesis seems to require a radical reconfiguration of the concept of agency.

### **Butler's Critique of the Sex-gender Distinction and Radical Feminist Critiques of Reproductive Technology.**

The route we have just taken is leading us to some interesting revelations about Butler's thesis. Let's turn then to the second task of this thesis, namely, a



contextualisation of Butler's thesis in the domain of feminist critiques of reproductive technology. In order to address this issue I will turn directly to the radical feminist critique of reproductive technology. Moreover, I will appeal to Rosalyn Diprose's discussion of the concept of disembodied individualism that underlies conventional feminist bioethics in order to demonstrate the relevance of Butler's thesis to the radical feminist critique of reproductive technology. I will show that a concept of disembodied individualism underlies conventional feminist bioethics and that the concept of disembodied individualism amounts to a concept of prediscursive subjectivity. Thus I will maintain that the radical feminist critique perpetuates a concept of prediscursive embodiment and is therefore implicated in the foreclosing of adequate concepts of agency. Before examining the way in which a concept of prediscursive embodiment underlies the radical feminist critique of reproductive technology, let me outline the impetus for applying Butler's thesis to this specific context. The impetus for connecting these two theoretical perspectives, we shall see, stems from a common criticism that is often made of Butler's thesis.

As I have outlined, Butler's text Gender Trouble calls into question the concept of prediscursive subjectivity. In the preceding account of Butler, the concept of prediscursive subjectivity referred to the idea of a subject that exists prior to the acquisition of culturally determined identity and who is vested with agency. We have seen how, for instance, Beauvoir's account of gender formation evokes the notion of a pre-social agent who in some sense appropriates their gender. More generally, the concept of prediscursive subject is assumed to be a necessary feature of agency in order to ensure that the subject is not regarded as fully determined by culture or discourse. Significantly, I also referred to the concept of

prediscursive embodiment as the assumption of the intractability of sexed embodiment. I showed that for Butler, the concept of prediscursive embodiment helps to regulate and fix the assumption of prediscursive subjectivity. As we have seen, there is an assumption of prediscursive embodiment which underlies egalitarian feminist accounts of gender. In these accounts the (prediscursive) body figures as "the instrument through which an appropriative and interpretive will determines cultural meaning for itself." (Butler 1990, p8) Thus, at least within this account of gender formation, the concept of prediscursive embodiment is one means through which the assumption of prediscursive subjectivity is maintained. My point in reiterating this aspect of Butler's thesis is to emphasise that it is the concept of *prediscursive embodiment* which Butler links to the foreclosing of adequate concepts of agency.

Remember that Butler dissolves the sex-gender distinction on the basis that it perpetuates the concept of prediscursive embodiment. The concept of prediscursive embodiment, we have seen, implies the existence of a pre-cultural agent or prediscursive subject who 'determines cultural meaning for itself'.

Even within theories that maintain a highly qualified or situated subject, the subject still encounters its discursively constituted environment in an oppositional epistemological frame. The culturally enmired subject negotiates its constructions.....In Beauvoir, for example, there is an "I" that does its gender, that becomes its gender.... (Butler 1990, p143)



Butler reminds us that within the terms of this understanding of gender formation, the body figures as the instrument through which an evidently prediscursive agent appropriates its gender. Accordingly, Butler attempts to undermine the concept of prediscursive subjectivity by questioning the assumption of a prediscursive or intractable biological sex. For Butler, "sex" has a history of signification that undermines the possibility that sex could be a prediscursive category. In other words, Butler maintains the discursive origins of sexual difference by undermining the idea of a realm outside of discourse in which an intractable biological - material reality might exist.

Many of Butler's contemporaries however, have questioned this aspect of Butler's thesis. In particular, they have questioned whether Butler's dissolution of the concept of prediscursive embodiment involves ignoring or negating the materiality of the body. Remember that prediscursive subjectivity refers to the idea of an intractable biological reality. Thus when Butler rejects the concept of prediscursive embodiment she seems to be saying that there is no material or bodily reality that precedes the discursive constitution of the subject. Indeed biological sex, as we have seen, is regarded by Butler as the product of discursive configurations of gender. Accordingly, theorists have responded to Butler's thesis by asking about the relevance of biological specificity. In particular, the apparent specificity of the female body and its capacity for impregnation are cited by theorists as an example of a material constraint upon discourse, which Butler's thesis seems to ignore:

And what about the body? You see bodies as forcibly produced through particular discourses. Some might say

that you haven't adequately addressed the biological constraints on bodied here. Take the female bodies capacity for impregnation, for example. Why is it that male bodies don't get produced as child bearing? There are certain constraints coming from the body itself which you don't seem to register. Shouldn't you be talking about the constraints *on* discourse as well as 'the discursive limits of "sex"'. (Osborne & Segal 1994, p 33)

This specific criticism aroused in me a curiosity about the applicability of Butler's thesis in relation to feminist issues related to reproductive technology. For instance, it seems reasonable to suggest that the concept of prediscursive embodiment is justified in relation to discussing issues such as reproductive technology. Isn't the issue of reproductive technology pertinent to women precisely because of the specificity of the female body? Isn't it the material reality of bodies that determines who is the subject of issues related to reproductive technology? Hence, doesn't this imply the legitimacy of the concept of prediscursive embodiment that Butler attempts to dissolve? The recognition of a legitimate *female* body seems to imply the relevance of the assumption of prediscursive embodiment - that is an intractable material reality - at least within the context of issues related to reproduction. The impetus for bringing together Butler and the issue of reproductive technology stems from my desire to resolve the apparent anomaly between Butler's dissolution of the concept of prediscursive embodiment and the recognition that issues pertaining to a specifically female body, like issues related to reproductive technologies, seems to justify the use of this concept.



### **Radical Feminist Critiques of Reproductive Technology and "Agency"**

I have just suggested that the impetus for bridging these theoretical domains is to reconcile the relationship between Butler's dissolution of the concept of prediscursive embodiment, and the apparent relevance of this concept to the issue of reproductive technology. In particular, I want to reconcile Butler's dissolution of the concept of prediscursive embodiment with radical feminist critiques of reproductive technology, which I will show, perpetuate the concept of prediscursive embodiment. In order to achieve this reconciliation it is necessary for me to reveal to the reader the relevance of the concept of prediscursive embodiment to radical feminist critiques of reproductive technology. In order to illustrate this relevance I will appeal to Rosalyn Diprose's observation that the concept of 'disembodied individualism' is central to conventional feminist bioethics. Together with an examination of radical feminist's fundamental objections to reproductive technologies, I will show the way in which the radical feminist thesis is implicated in the perpetuation of a concept disembodied individualism. I will argue that the concept of disembodied individualism, if conceived in Butlerian terms, amounts to a perpetuation of a concept of prediscursive embodiment. Consequently, I will argue that the perpetuation of the concept of disembodied individualism within the radical feminist critique of reproductive technology fixes a concept of prediscursive subjectivity and thereby forecloses adequate concepts of agency for women.

### **"Disembodied Individualism" and Conventional Bioethics**

Rosalyn Diprose maintains that conventional ethics, bioethicists and feminist bioethicists, can be linked to the perpetuation of a concept of disembodied individualism. Conventional ethics, according to Diprose, is generally understood

in terms of "a universal set of principles, which ought to govern behaviour, principles which are formulated and grasped with the rational mind." (Diprose 1991, p 65) This conventional understanding of ethics suggests the legitimacy of applying general moral principles to any situation. For Diprose however, the idea that we can apply general moral principles to any situation is problematic for several reasons. First, she suggests that the proliferation of often conflicting moral principles makes problematic the task of determining which moral principle to apply. Specifically, following Max Charlesworth, she suggests that it is naive to think that ethicists could ever "reach absolute agreement on any particular issue given the diversity of the principles at hand, and the divergence of the premises upon which they are based." (Diprose 1994a)<sup>15</sup> Second, Diprose suggests that given the diversity of issues that arise for ethical debate, there is a difficulty in sufficiently grounding such abstract moral principles. In other words, the application of universal principles is problematic in so far as such principles are "abstracted from the particularity of a situation" and are therefore not sufficiently contextualised such that the complexities of any given issue are often overlooked. (Diprose 1994a) Accordingly, Diprose notes that there is a growing awareness amongst ethicists as "to the inadequacy of abstract principles to attend to the complexities of any given situation." (Diprose 1991, p 66) Diprose cites in particular recent discussion in the field of biomedical ethics, which she suggests, reflects a shift away from formal principles to an acknowledgment of "individual rights, particular contexts and specific needs." (Diprose 1991, p 66) We shall see later for instance, the way in which feminist ethicists demand the recognition of the patriarchal context in which women in relation to the ethics of reproductive practices.



While regarded as positive in some respects, for Diprose, the shift towards an emphasis on "individual rights" is not without its problems. As I will later show, Diprose argues that an emphasis on individual rights still ignores the relevant issue of bodily specificity. This is to suggest that problems such as conflicting premises and abstraction from context usually attributed to the use of general principles, are preceded by a more fundamental and perhaps more serious problem, namely, the interpretation of the body upon which these moral principles are based. (Diprose 1994a) Diprose argues that underlying the assumption of the applicability of universal principles are certain assumptions regarding the relationship between self and world, mind and body. She suggests that "an ethics based on universal rational principles assumes that our being is a discrete entity separate from the world such that we are 'in' the world after the advent of both." (Diprose 1991, p 66) In other words, the theory of embodiment that underlies an ethics based on universal principles assumes that one's subjective 'being' - one's subjectivity - exists 'in' the world, though independently of any feature of the world. (Diprose 1991, p 66) Hence, according to Diprose, an ethics based on universal principles characterises subjectivity in terms of self presence, and autonomy. Further, the assumption of the applicability of an ethics based on universal principles also contains certain assumptions regarding the relationship between mind and body. In particular she suggests that general principles entail "an interpretation of the body which severs it from the person and from others". (Diprose 1994a) This is to say that general ethical principles are assumed to regulate relations between "self-present, autonomous, *disembodied* individuals." (my emphasis: Diprose 1994b, p 1)

"[as general] principles claim universality, they evoke  
an ethics which assumes that behaviour originates in a

potentially unified mind housed in a broad, homogeneous habitat." (Diprose 1991, p 65)

In other words, the legitimacy of general ethical principles rests on the assumption that the mind is distinct from the body.

The assumption of disembodied subjectivity Diprose argues, is no where more evident than in the field of biomedical ethics. While not immediately apparent, Diprose maintains that this account of subjectivity that underlies modern ethics also informs the basic principles of bio-medical ethics. Diprose notes the ironic point that despite the fact the body is the very object of bio-medical practice, there is "a curious silence which resounds throughout discussions of the ethics of biomedicine." (Diprose 1995, p 202) Despite the apparent absence of the body in bio-medical ethics however, Diprose does manage to detail a conception of embodiment that she thinks underlies contemporary biomedical ethics. The model she details is extracted from the paradigm of social relations used in the deliberation of the ethics of reproductive practices.<sup>16</sup> As Diprose notes, the principles informing The Australian National Bioethics Consultative Committee (NBCC) 1990 report on surrogacy are as follows:

"1. 'The *principle of personal autonomy* or self-determination, namely that people should have the right to make their own decisions for themselves so long as those decisions do not involve harm to others';



2. 'The *principle of justice*,' namely that arrangements between individuals should not involve exploitation and should best serve the interests of those involved.....
3. 'The *principle of the common good*, namely that the good of the whole community must be considered' in arrangements made between individuals." (in Diprose 1994b, p 2)

Consistent with a conventional approach to ethics, Diprose maintains that these fundamental principles of bioethics reveal a model of embodiment that dislocates subjectivity from both the world and the body. According to Diprose, these principles reveal that the bodies which are the object of bio-medical practice and regulated by biomedical ethics are assumed to be that of self present, autonomous, disembodied individuals. Diprose maintains that there are two characteristics of subjectivity assumed within the principles informing the ethics of bio-medical practice: "first, that the individual is disembodied, and second that the individual's identity is given prior to its relations with other." (Diprose 1994b, p 3)

That bioethical deliberations centre around a concept of disembodied individualism is evident, Diprose suggests, in the concept of the individual assumed in the principle of personal autonomy. The version of personal autonomy appropriated within the sphere of bioethics, according to Diprose, stems from the liberal empiricist tradition. She observes that the only direct reference to the body in the NBCC's report involves a direct quote from John Stuart Mill's essay 'On Liberty' in which the individual is defined in terms that imply its disembodied status. Mill employs a conception of freedom as "autonomous self government"

where the individual is sovereign "over himself, over his own body and mind". (Diprose 1994a) Hence, according to Diprose, the principle of personal autonomy assumes a conception of the individual in which the body "...is given the status of a passive object governed by an individual agent who somehow stands above it." (Diprose 1994b, p 3) Further, Diprose maintains that the principle of personal autonomy is also influenced by John Locke's idea that the individual is said to have property rights over their own person. According to Diprose, this conception of the individual 'severs' "the rational agent from his or her body giving the agent property rights over the body and the products of its labour." (Diprose 1994b, p 3)

These two ideas combined, Diprose concludes that the principle of personal autonomy, central to bio-ethics, involves a conception of the subjectivity in which the body is both separate from, and subordinate to mind. As Diprose describes, the principle of personal autonomy implies that:

The person as an agent, a decision maker, stands above the body and objectifies it, owns it and pushes it around. Decisions, and the actions which flow from them, are autonomous if the product of one's will, that is, if they are free of physical and intellectual coercion. From this model of autonomy flows the idea that we are free to do with our bodies what we will providing others are not harmed by that action, either directly or via harm to oneself. And social relations are said to be equitable, and individual freedom and autonomy preserved, if exchange of body-property or forfeit of the sovereignty you have



over your body is based on fair contract or informed consent. (Diprose 1994a)

In other words, Diprose maintains that the principle of personal autonomy employed in bio-medical ethics assumes not only that the subject is disembodied, but also that the subject is sovereign over that body. Diprose also implies that the concept of the individual upon which the principle of autonomy is based, is that of an agent who is both "unified and present to herself." (Diprose 1994b, p 3) The principle of personal autonomy assumes that the individual has direct access to his or her motives and desires, and is therefore capable of making decisions regarding what to do with his or her body.<sup>17</sup> Thus, the principle of personal autonomy assumes that individuals (or ethicists) are capable of making decisions regarding their bodies, independent from and irrespective of their specific embodiment. Generally therefore, Diprose maintains that the concept of the subject that underlies the principle of autonomy is one which, in relegating the body to the status of object, 'severs' the individual from his or her body, and hence, contains a concept of 'disembodied individualism'.

According to Diprose, the concept of disembodied individualism which underlies the principle of personal autonomy also informs relation between individuals. The principle of personal autonomy, when considered in relation to interactions between individuals, is subject to the competing principles of 'justice' and 'the common good'. Because disembodied individualism underlies the principle of personal autonomy, it is assumed within bioethics that the principles of justice and the common good regulate relations between self present individuals whose body is an appendage to the self. In attempting to reconcile the principle of

personal autonomy with the principles of justice and the common good," the implicit focus of regulation" Diprose maintains, "are relations of contract and exchange between self present individuals where the object of exchange is the individual's body (Diprose 1994b, p3) So, according to the fundamental principles of bioethics, relations of social contract are between self present, disembodied individuals, where the body is the property-object of exchange.

As suggested, this paradigm of social relations implies that an individual's identity is given prior to its relations to others, and as Diprose suggests, "prior to the rules which govern those relations." (Diprose 1994b, p 3) The concept of self present, disembodied individualism implies not simply that an individual's identity is clearly delineated from his or her body, but also that an individual's identity exists independently of social context. Hence, the assumption within bioethics that the individual agent is unified and self present implies that individuals enter into relations of contract as equals. It also implies that the nature of relations between individuals is determined by the specific terms of contract. Second, Diprose maintains that a paradigm of social relations that assumes a concept of the individual as self present and disembodied, also assumes that identity is unchanging for the duration of the social exchange. (Diprose 1994b, p 4) Disembodied individualism implies that while in terms of contracting out body property various subtractions or additions to a body may be made, it is assumed that the individual does not substantially alter in subjectivity for the duration of the contract. In summary, the concept of 'disembodied individualism' not only underlies the principle of personal autonomy, it also informs our understanding of relations between individuals. A principle of autonomy assumes disembodied individuals whose self-present identity exists prior to his or her relations to others



and independently of social context, and whose identity is assumed to remain the same irrespective of changes to the body.

Many feminists have criticised and subsequently challenged the atomised disembodied concept of the individual and the contract model of social relations on the basis that it is problematic for women.<sup>18</sup> Diprose for instance uses the issue of surrogacy to demonstrate the inadequacy of the contract model of social relations. She argues that the assumption of atomised disembodied individualism, inherent in the fundamental principles of bioethics, ensures that these principles are incapable of representing every-body equally. In particular, the application of the principle of autonomy results in the exclusion of the maternal body from social exchange. While according to the principle of personal autonomy individuals should be 'free' to contract out parts of their body, the "principles of justice and the common good place ethical limits upon the ways in which a body can become a legitimate object of exchange." (Diprose 1994b, p 4) Hence, while all bodies are potential objects of exchange, the significance of some bodies, and the individual's right to sovereignty over his or her body, are sometimes determined in relation to the rights of the whole community according to the principles of justice and the common good. In more general terms, "...in determining the ethics of a contract between individuals....the value and integrity of the individual's body, assumed by the individual her- or himself, is weighed against the value and integrity of others and the body of the community." (Diprose 1994b, p 4) Diprose emphasises that *the maternal body* is consistently considered in relation to the 'rights' of those other than the pregnant woman. Thus the pregnant woman's right to sovereignty over her body, implicit within the principle of personal autonomy, is weighed against the rights of others according

to the same principle. In the case of surrogacy for instance, the woman's body is the object of exchange. But there are many aside from the pregnant woman, who in fact compete for the rights over this pregnant body (namely, the unborn child, the commissioning couple, the bioethicist, and the biomedical practitioner). Hence, there are many whose interests are weighed against the pregnant woman's right to sovereignty over her body, and many possible outcomes wherein the woman's right to sovereignty may be forfeited.

Apparently then, the principle of personal autonomy does not automatically apply to the pregnant woman. In adhering to the fundamental principles of bioethics, "the pregnant body is not a body which can be easily exchanged in the market place" and this difficulty indicates a significant inadequacy in the underlying assumptions of the contract model of social exchange and their capacity to ensure women's right to inclusion in social exchange. (Diprose 1994b, p 4) As Diprose argues, "if women are to be admitted into social exchange on the same basis as men, then [they] should have the right to participate in contracts to do with property in [their] person". (Diprose 1994b, p 4) As evident in the case of surrogacy however, the specificity of women's embodiment ensures that women are excluded from having equal right to participate in contracts relating to property in their person, as well as equal representation within the field of bioethics as it is currently conceived. Thus Diprose maintains that in adhering to the fundamental principles of bioethics, and in particular, the concept of the individual upon which these principles are based, the ethicist can not help but be part of an inadvertent discrimination against women.



In the present context our concern is with the way in which the principles of bioethics inform radical feminist critiques of reproductive technology and in particular, with the fact a concept of disembodied individualism is central to these critiques. In the following discussion I will elucidate the way in which the radical feminist critique of reproductive technology constitutes a challenge to the contract model of social relations. This challenge takes the form of a demand for the recognition that the patriarchal context in which women live influences their capacity for autonomous decision. Remember that the concept of disembodied individualism which underlies the principles of bioethics implies that the individual is not only sovereign over their body but also free to make decisions about what to do with their body. However, we shall see how radical feminists challenge the assumption of such sovereignty by maintaining that a woman's autonomy is compromised by the patriarchal context in which women act; various economic, social and familial factors are said to impede a woman's ability to choose freely to use reproductive technologies. The radical feminist critique of reproductive technologies thus implies that women are never 'free' to make decisions about what to do with their body. On the basis of a principle of personal autonomy therefore, radical feminists maintain that a woman's autonomy is automatically compromised the instant that she uses reproductive technologies. I will now examine more closely, this aspect of the radical feminist's challenge to the idea of autonomous choice. In particular, I will consider the way in which this challenge to a contract model of social relations leads radical feminists to advocate women's withdrawal from practices involving the use of reproductive technologies and secondly, that this involves legitimating the assumption of disembodied individualism.

### **“Disembodied Individualism” and Radical Feminist Critiques of Reproductive Technology.**

Radical feminist opposition to reproductive technologies is justified on numerous social, economic and ethical grounds. The contributions of the feminist activist organisation FINNRAGE (The Feminist International Network against Reproductive Technology) are typically regarded as indicative of a radical feminist response to this issue.<sup>19</sup> Strongly echoing Mary O'Briens theoretical framework, Gena Corea, a well known founding member of Finnrage, authored the influential text The Mother Machine (1985).<sup>20</sup> This text characterises new reproductive technologies as an expression of patriarchal control over women's bodies. In particular she argues that reproductive technologies are the means whereby men will take control of the reproductive function:

Reproductive technologists now aim to bring forth life through “art”, rather than nature and enable man to be not only the father, but also the mother of his child.  
(Corea 1985, p 291)

While Corea's text has been criticised for being “essentialist and ahistorical” it has proven to be an influential text within feminist theory; its ideas remain central to more contemporary radical feminist critiques of reproductive technology. (Franklin & McNeil 1988, p 550)<sup>21</sup> According to the contemporary radical feminist critique, reproductive technologies are inherently patriarchal. ‘Patriarchy’ as it is most readily characterised by feminists, maintains women's social subordination via the legitimation of male control over women's bodies. Thus for radical feminists, reproductive technologies are assumed to endorse male control over women's bodies. In entering into contract agreements where reproductive



technologies are used, radical feminists maintain that women are relinquishing control over their bodies. In other words, radical feminists assume that when a woman utilises reproductive technologies her autonomy is compromised. For instance, Deborah Lynn Steinberg writes that "implicit in IVF treatments is what may well be an unprecedented erosion of women's personal autonomy and reproductive agency." (Lynn Steinberg 1990, p88) This erosion of women's autonomy, Steinberg argues, exists at two levels. First, within the representations of women that surround reproductive technologies; women are consistently denied autonomous personhood in so far as they are consistently referred to as "infertile", "childless", or as part of a "couple". Secondly, the necessarily hierarchical relationship between women and the IVF practitioners also constitutes a threat to women's autonomy. Again, central to Steinberg's argument is the assumption which underlies the radical feminists' critique of reproductive technologies, namely, that such technologies are inherently patriarchal.

However, the essentially ideological charge that reproductive technologies are a form of patriarchal control over women's bodies (an attempt by men to claim reproduction) is informed by more pragmatic objections. Again, it is possible to show that many of these objections directly relate to the issue of women's compromised autonomy. Radical feminists wish to draw attention to the fact that reproductive technologies such as invitro fertilisation, have a significantly low success rate.<sup>22</sup> Contrary to public perception, statistics related to the use of reproductive technologies reveal very limited success. Moreover, radical feminists claim that even these statistics are dubiously calculated. Klein suggests for instance, that five to ten per cent of live births for every IVF attempt a woman undergoes is the currently acknowledged success rate for this procedure.

However, they maintain that this figure excludes the fifty per cent of women for whom fertilisation never takes place. (Klein 1994, p134) Thus, radical feminists maintain that while conceptive technologies are continually being promoted or advertised by the medical profession as a miraculous and highly successful, the actual figures reveal a decidedly different reality. Not only is a mere five to ten per cent rate of "successful" births significantly low (birth rates are calculated independently of how long the foetus actually survives), the number of women who actually conceive is significantly lower. So, not only are reproductive technologies significantly unsuccessful, the real success or failure of reproductive technologies remains undisclosed to the women who use them. In broad terms, these specific criticisms amount to the recognition that women are not fully informed in relation to the dangers and success rates of reproductive technologies. Radical feminists maintain that if a woman is to consent to the use of reproductive technologies, then this consent should be informed. Yet, as radical feminists argue, given the deceptive way in which information about reproductive technologies is filtered, women are never fully informed about the relevant issues. I have shown that it is a condition of the principle of personal autonomy people should have the right to make their own decisions regarding themselves. Yet, radical feminists maintain that the failure to fully inform women about the risks related to using reproductive technology hinders a women's ability to choose freely. Thus, on the basis that a woman's consent is not fully informed, radical feminists argue that a woman's decision to use reproductive technologies will never be autonomous.

Radical feminist critiques of reproductive technology maintain that women's ability to freely choose whether to use reproductive technology is also mediated



by a series of coercive factors. First, radical feminists also maintain that limited economic opportunities for women, are also assumed to persuade women towards the use of reproductive technologies, particularly where surrogacy is concerned. Moreover they suggest that women are coerced into using reproductive technologies by male partners and unscrupulous doctors who misinform women about the risks associated with the procedures. Judith Lorber for instance, offers an account of the influence that males have over reproductive decisions. While she does not go so far as to suggest that, in using reproductive technologies women become "victims", she does argue that women should not be regarded as acting autonomously in this context.

The dynamics of participation in such treatments illuminates issues of men's domination in reproduction and the extent to which women can truly control their bodies when faced with personal, psychological, familial, and community pressures to produce a biological child. (Lorber 1988, p 126)

Third, radical feminists argue that women's ability to freely chose whether to use reproductive technologies is mediated by a social imperative to procreate. Women are constantly confronted by societies pronatalist which imply that women who does not have a child has fallen short of societies ideal. This position is outlined by Andrea Dworkin who questions the idea that women are free to choose reproductive technologies. She argues that "...the state has constructed the social, economic, and political situation in which the sale of some sexual or reproductive capacity is necessary to the survival of women.." (Dworkin 1983, p 182)<sup>23</sup>

Closely linked to this objection is the claim that infertility is a social rather than a

medical condition. Mary Sue Henifen for instance, draws our attention to the anthropological evidence that suggests that “the desire to have children is not biologically determined but rather culturally constructed. (Henifen 1988, p5)<sup>24</sup> This dominant pronatalist value does not only produce negative images of involuntary childlessness. The subsequent emphasis on reproductive technologies, rather than adoption, is said to turn us away from “the plight of children in need of parents, languishing in institutions. (Henifen 1988, p5)

Further, central to Janice Raymond’s critique of reproductive technologies, is the idea that the expansion of reproductive technologies can be attributed to the construction of a definition of “infertility”. (Raymond 1994, p1) In accordance with the argument that women’s “choice” to use reproductive technologies is mediated by a series of social and familial factors, Raymond observes that women are influenced by a definition of “infertility” that is not only misleading, but also continually adjusted.

Doctors increasingly expand the definition of infertility. The current accepted medical definition is inability to conceive after one year of intercourse.....In the last decade, the number of years has dwindled from two to one.....The definition conflates inability to conceive with difficulty conceiving.” (Raymond 1994, p3)

Related to this point, Raymond even suggests that the perception that infertility is a disease that requires treatment is a fairly recent social perception largely



attributable to the medicalisation of infertility. (Raymond 1994, p2) By continually giving new meaning to the term, physicians are actively producing the concept of infertility and that this production provides the means to implement and expand conceptive technologies. Again, these preceding objections can be described in terms of women's autonomy being compromised. In other words, a woman's capacity to make independent decisions about whether to use reproductive technologies is mediated by the patriarchal context in which she lives. Radical feminists maintain that limited economic opportunities, male partners and unscrupulous doctors, the patriarchal imperative to procreate, and numerous other familial and social factors influence and therefore impede a woman's capacity for autonomous choice.<sup>25</sup>

I have so far shown that the principle of personal autonomy utilised within the sphere of bioethics contains a concept of disembodied individualism. I now wish to argue that the radical feminist critique of reproductive technologies, in appealing to the principle of personal autonomy, perpetuates the assumption of disembodied individualism. The radical feminist thesis, as we have seen, centres around the idea that a woman's autonomy is compromised if she uses reproductive technologies. This constitutes a challenge to the contract model of social relations in so far as the division between the idea of personal autonomy and the common good is rendered problematic; the possibility of a woman making an autonomous decision is influenced by the values of the patriarchal society in which she lives. It is important to recognise that this constitutes a challenge to the legitimacy of a contract model of social relations functions to legitimate the principle of personal autonomy, and thereby the assumption of disembodied individualism inherent in this principle.

Radical feminists attempt to secure a space for women's autonomy by demanding the recognition of the patriarchal context in which women live by appealing to a principle of personal autonomy. Moreover, the radical feminist critique involves the suggestion that in order to uphold the principle of personal autonomy women should reject reproductive technologies. As Diprose reminds us however,

this conclusion implies that there is a space for women uncontaminated by patriarchal values. And this can only be assumed by allowing back into the analysis of individual autonomy as the exercise of sovereignty over one's body and the distinction between the individual agent and the social context. (Diprose, 1994b, p8)

In other words, when radical feminists argue that women should reject reproductive technologies on the basis that they compromise women's autonomy, they perpetuate the assumption that there is a space for women in which the possibility of autonomy is located. Further, the radical feminist thesis implies that the agent who seeks autonomy is separate from her social context and hence, capable of 'exercising sovereignty over her body.' Thus, the radical feminist critique of reproductive technology represents a challenge to the conflict between the principle of personal autonomy and the common (patriarchal) good; in acknowledging the latter it appears that the contract model of social relations is problematic for women in so far as it influences and limits women's ability to choose reproductive technologies freely. Yet, their conclusion that women should reject these technologies does nothing to disrupt the division between agent and body, and agent and social context, inherent in this contract model of social



relations. Significantly therefore, while contesting the viability of contract social relations for women, radical feminists perpetuate the assumption of 'disembodied individualism' fundamental to this model. In other words, in attempting to secure a space for women's autonomy, radical feminists perpetuate the legitimacy of both the principle of personal autonomy and the concept of embodiment that underlies this principle.

### **Disembodied Individualism and Agency**

The recognition that radical feminists perpetuate a concept of autonomous or disembodied individualism can be allied with Butler's critique of the concept of prediscursive subjectivity. As we have seen, the concept of subjectivity that underlies the principle of autonomy is that of a (self present, autonomous), disembodied individual, whose identity is thus dislocated from the body (and the world). In other words, disembodied individualism implies a dualist conception of the subject in which there is a radical distinction between subjectivity and the body. A dualist conception of subjectivity, we have seen, involves the assumption of the intractability of sexed embodiment. This has been referred to in this thesis as the assumption of prediscursive embodiment. From this it can be argued that the principle of personal autonomy and in particular, the concept of disembodied individualism inherent in this principle, parallel the conceptual presuppositions of the sex-gender distinction. Both the sex-gender distinction and the concept of disembodied individualism contain the assumption of prediscursive embodiment. More specifically, the assumption of disembodied individualism includes the concept of a biologically determined body, and hence, functions to legitimate the traditional feminist distinction between biological sex and socially acquired gender.

In terms of Butler's thesis, the reader may recall that the concept of prediscursive embodiment evokes and maintains the concept of prediscursive subjectivity. This is because the concept of prediscursive embodiment functions to conceal the discursive origins of subjectivity. Prediscursive subjectivity is thus assumed to be natural and therefore fixed. More specifically, Butler maintains that the assumption of prediscursive embodiment is instituted via a necessary relation to compulsory heterosexuality. Compulsory heterosexuality is instituted through a matrix of intelligibility that is founded on a binary frame for sex. This matrix is maintained on the presumption that sexed bodies are a prediscursive phenomenon and are therefore natural and fixed. Thus the assumption of prediscursive embodiment helps to fix the concept of prediscursive subjectivity. I have suggested that the concept of prediscursive embodiment is therefore linked to the foreclosing of adequate concepts of agency. The assumption of the intractability of sexed embodiment simultaneously implies that the prediscursive subject who is the metaphysical locus of agency is also intractable. Hence, the concept of prediscursive embodiment regulates and fixes a specific conception of both subjectivity and agency. In particular, the concept of prediscursive embodiment functions to conceal the discursive origins of subjectivity and agency, and hence, forecloses the possibility of alternate concepts of agency.

By association then, the assumption of disembodied individualism also functions to foreclose adequate concepts of agency for women. As I have just reminded the reader, adequate concepts of agency are foreclosed on the basis of the assumption of the intractability of sexed embodiment. I have argued that the concept of disembodied individualism amounts to a concept of prediscursive embodiment. This is because it contains the assumption of the intractability of sexed



embodiment. Again, it is the assumption of the intractability of sexed embodiment that forecloses adequate concepts of agency. The assumption of the intractability of sexed embodiment simultaneously implies that the prediscursive subject, who is the locus of agency, is also intractable. Thus, the concept of disembodied individualism regulates and fixes a specific concept of agency thereby foreclosing the possibility of other concepts of agency. The radical feminist critique of reproductive technology, we have seen, centres around the concept of disembodied individualism which implies the intractability of sexed embodiment. Evidently therefore, the radical feminist critique of reproductive technology, in perpetuating the assumption of prediscursive subjectivity, inadvertently perpetuates a regulative and fixed conception of agency.

In this chapter I have outlined the way in which a concept of disembodied individualism, also understood as a concept of prediscursive subjectivity, is perpetuated within the radical feminist critique of reproductive technology. I have mentioned that, including the broader sphere of feminists bioethics, this perpetuation is problematic for women. As Diprose indicates, it results in the perpetuation of the exclusion of the maternal body from social exchange. Moreover, it has also been suggested that the assumption of disembodied individualism leads feminists to respond to bioethical issues, such as the use of reproductive technologies, by advocating women's withdrawal from such practices. I have been concerned with the way in which this conclusion aligns with Butler's thesis. I have suggested that the recognition that feminists perpetuate a concept of disembodied individualism is highly significant in terms of Butler's thesis. The concept of disembodied individualism we have seen, amounts to a concept of prediscursive embodiment. In Butlerian terms, the

assumption of prediscursive embodiment helps to sustain and indeed fix the concept of prediscursive subjectivity, that is, a subject who precedes gendered identity and who is vested with agency. This is because the concept of prediscursive embodiment helps to conceal the discursive origins of subjectivity. The assumption of prediscursive subjectivity is thus seen to be immutable and is thereby excluded as a site for critical analysis. On the basis of this assumption, the possibility of alternate concepts of subjectivity and agency are therefore forfeited. Thus, the concept of disembodied individualism forecloses adequate concepts of agency for women. I have also argued that the radical feminist critique of reproductive technology functions to restrict concepts of agency. Again this can be attributed to the fact these critiques include a concept of disembodied individualism. While Butler does not link the concept of disembodied individualism concept to the foreclosing of adequate concepts of agency I have attempted to show that this concept aligns with the concept of prediscursive subjectivity and is thereby linked to the foreclosing of adequate concepts of agency.

We have seen that Butler attempts to dissolve the sex-gender distinction by emphasising the discursive origins of sex. Assumed to be prediscursive, Butler argues that sexed bodies are an effect of discursive configurations of gender. Given that, as we have seen, the radical feminist critique of reproductive technology perpetuates a concept of prediscursive subjectivity, one question which emerges from this discussion is whether the radical feminist critique should move away from such conventional conceptions of subjectivity? Moreover, the concept of prediscursive subjectivity is perpetuated within the radical feminist critique through the appropriation of the principle of personal autonomy. Does



this mean that radical feminists should abandon the principle of personal autonomy? These are not the only questions to emerge from this discussion. I have also shown that conventionally, the issue of agency is thought to be dependent upon the concept of prediscursive subjectivity. For instance, Benhabib claims that without the assumption of a concept of prediscursive subjectivity there appears to be no "conceptual space for thinking of the possibility of agency.." (Benhabib 1995b, p 111) If radical feminists abandon a principle of personal autonomy and thereby the concept of prediscursive subjectivity, can they be sure that they are securing women's agency in relation to the issue of reproductive technology? As Nicholson remarks, Benhabib's critique of Butler also involves the claim that the way to address the tension between constructionsim and determinism is to "provide a theoretical explanation of how agency becomes possible." (Nicholson, 1995, p9) Similarly, the issue I have raised in part one of this thesis is whether, in light of Butler's dissolution of the concept of prediscursive subjectivity, it is possible to secure women's agency within the context of reproductive technologies. Accordingly, chapter two of this thesis will address the issue, not only of Butler's reconfiguration of agency, but also of whether this reconfiguration can be applied within the context of feminist debates on reproductive technology, with positive effects for women.

## PART TWO ~

The purpose of part one was to establish a context for discussing the implications of feminism's rejection of the sex-gender distinction for conceptions of women's agency. This context was primarily established in relation to two specific domains within philosophy, namely, Butler's critique of the sex-gender distinction and radical feminist critiques of reproductive technology. A third aspect of philosophy, Rosalyn Diprose's critique of bioethics, provided the means to create a link between these two domains. The following chapter will carry on the task of resolving many of the questions which evolved from the application of Butler's critique of the sex-gender distinction to the issue of feminist critiques of reproductive technology. In order to be clear about what those questions are, let us briefly review the journey we took through chapter one.

The concept of prediscursive subjectivity refers to the idea of a pre-gendered subject who is vested with agency. According to Butler, the concept of prediscursive subjectivity leads to the foreclosing of adequate concepts of agency. This is because the concept of prediscursive subjectivity is discursively figured as external to culture or discourse. It is thus a conception of subjectivity which is assumed to be natural and therefore fixed. Butler argues that the failure to recognise the discursive origins of the concept of prediscursive subjectivity forecloses the possibility of alternate conceptions of both subjectivity and agency. Butler then attempts to reveal those discursive practices that conceal the discursive origins of subjectivity. The reader may recall that one such discursive practice that conceals the discursive origins of subjectivity is the sex-gender



distinction. This is because it contains the assumption of prediscursive embodiment. Within the sex-gender distinction, biological sex figures as an intractable material reality. The idea of the intractability of sex is based on a differentiation of gender from sex through which "sex" is relegated to the realm of the prediscursive or natural. Thus, the sex-gender distinction implies the existence of a natural female subject. Butler argues that this assumption of a prediscursive embodiment helps to regulate a concept of prediscursive subjectivity. This is because the concept of prediscursive embodiment or "sex" evokes the notion of a prediscursive subject or agent who in some sense appropriates their gender. Again, this forecloses adequate concepts of agency for women because the prediscursive subject is presumed to be natural and fixed.

In revealing those discursive practices that maintain the assumption of prediscursive subjectivity, Butler simultaneously dissolves the assumption of prediscursive subjectivity. Butler's critique of the sex-gender distinction involves the argument that the idea of an intractable sexed body is a product of language rather than biology. According to Butler, the sex-gender distinction implicitly assumes the concept of prediscursive embodiment, that is, the idea of an intractable material or reality which we call biological sex. For Butler however, "sex" is discursively produced as prediscursive. Indeed for Butler, "biological sex" is the product of discursive configurations of gender. Significantly, Butler also argues that subjectivity is a product of discursive configurations of gender; the subject becomes a subject precisely through being gendered. Thus, there does not exist, according to Butler, a prediscursive subject, rather it is the "forcible citation" of "legitimizing gender norms" that come to substantiate (sexed) subjects:

Femininity is...not the product of a choice, but the forcible citation of a norm, one whose complex historicity is indissociable from relations of discipline, regulation, punishment. Indeed, there is no "one" who takes on a gender norm. On the contrary, this citation of the gender norm is necessary in order to qualify as a "one", to become a viable as a "one", where subject formation is dependent on the prior operation of legitimating gender norms. (Butler 1993, p232)

Evidently, Butler's critique of the sex-gender distinction is based on the argument that the idea of a prediscursive subject is quite literally a fiction.

### **Butler's Reconfiguration "Agency".**

We have seen that Butler's dissolution of the concept of prediscursive agency raises an important question in relation to the issue of agency. I have outlined the way in which the possibility of agency is often assumed to be dependent upon the assumption of prediscursive subjectivity. We saw for instance, that Benhabib argues that Butler's position on subjectivity is deterministic and disallows agency for women.<sup>26</sup> In other words, if concepts of agency have traditionally relied upon the concept of prediscursive subjectivity, and Butler dissolves this concept on the basis that it forecloses adequate concepts of agency, what sort of agency can Butler's thesis accommodate? The following discussion seeks to resolve this apparent anomaly between Butler's dissolution of the concept of prediscursive subjectivity and the apparent necessity of this concept as a pre-requisite for agency. In particular, I will elucidate Butler's claim that a constructionist account



of subjectivity opens up the possibility of concepts of agency for women. This claim we shall see, is dependent upon Butler's radical reconfiguration of the concept of agency. Consistent with my focus in chapter one, this reconfiguration of agency will be applied within the context of radical feminist critiques of reproductive technology.

First, I will provide the reader with an account of Butler's reconfiguration of agency. In relation to the issue of reproductive technology, I will argue that Butler's reformulation of the concept of agency can not substitute for conventional conceptions of agency. This is argued on the basis that conventional conceptions of agency are an inevitable and necessary political fiction. Consequently, I will argue that the seemingly problematic effect of conventional conceptions of agency within the radical feminist critique of reproductive technology can not be a basis for a rejection of that critique. In conclusion I will maintain that while Butler's reformulation of agency can not be a substitution for conventional conceptions of agency, it importantly accommodates the possibility of change for women within the context of reproductive technology.

I have shown the way in which Butler regards the concept of prediscursive subjectivity as linked to the foreclosing of adequate concepts of agency for women. Intrinsic to this conclusion is Butler's alternative thesis, namely, that agency is possible precisely because identity is a discursive effect. The reader will observe that I have referred to the concept of identity rather than prediscursive subjectivity. In Butler's text Gender Trouble: Feminism and the Subversion of Identity, the concepts of subjectivity and identity appear to be inextricably related,

if not interchangeable. For instance, we have seen that Butler maintains the subject as an effect of discourse. Similarly, she refers to "the reconceptualisation of identity as an *effect*....". (Butler 1990, p147) Both subjectivity and identity are therefore produced or generated by specific discursive configurations. Indeed for Butler the subject becomes a subject precisely through becoming gendered. My understanding of this aspect of Butler's thesis is that subjectivity denotes a multiplicity of identities. This is indicated in the fact Butler maintains that "...there is no recourse to a "person", a "sex", or a "sexuality" that escapes the matrix of power and discursive relations that effectively produce and regulate [intelligible concepts]." (Butler 1990, p 32) Subjectivity thus appears to consist of multiple identities including those related to sex and sexuality. Following Butler then, I shall utilise the concept of identity with the understanding that this concept cannot be separated from the understanding that both subjectivity and identity are instituted through discursive means.

When in relation to a conventional conception of agency Butler acknowledges the issue of what constitutes effective subversion within the terms of the constructed identity, she then responds to this issue by asking the alternate question, "what possibilities exist *by virtue* of the constructed character of sex and gender?" (Butler 1990, p32). In this question, Butler indicates the possibility of a conception of agency that exists 'by virtue' of the recognition that identity is constructed by discourse. As I have outlined, constructionism implies the radical contingency of those discursive practices that result in the constitution of the subject. Specifically, because, "abstractly considered, language refers to an open system of signs", signification is a practice that allows for the contestation, and re-creation of conventional intelligibility. (Butler 1990, p145) Since identity is



interpreted by Butler as a signifying practice, and signification is open to intervention and re-signification, then the subject is also open to re-signification and re-constitution. In other words, the contingent nature of language ensures that the practice of signifying identity is itself a mode of agency. Thus, when Butler asks 'what possibilities of effective inversion exists by virtue of the constructed character of identity', she is in fact re-formulating the question of agency "as a question of how signification and re-signification works." (Butler 1990, p144) Accordingly Butler maintains that by examining the terms through which traditional discursive conceptions of the subject are formulated, one actually opens up the possibility of their re-formulation, and thereby opens up the possibility of transforming the subject. So, for Butler, signification does not restrict gender within a specific discursive framework, it harbours the possibility of alternate gender configurations:

If the regulatory fictions of sex and gender are themselves multiple contested sites of meaning, then the very multiplicity of their construction holds out the possibility of a disruption of their univocal posturing. (Butler 1990, p32)

For Butler, the possibility for agency is to be found in the very constructionism that is traditionally assumed to foreclose agency. Discursive constructions are "the necessary scene of agency, the very terms in which agency is articulated and becomes culturally intelligible." (Butler 1990, p147) In short, the tension between constructionism and determinism is dissolved for Butler because, "as a process, signification harbours within itself what the epistemological discourse refers to as agency." (Butler 1990, p145) Significantly for critics of constructionism, I will

later show that Butler maintains that this agency exists, irrespective of the absence of a prediscursive subject.

Let's look more closely at this conception of agency by first examining what Butler has to say about gender ontology. We have seen that the concept of prediscursive embodiment forms the basis for a matrix of intelligibility that produces coherent gender identities. These are identities that, according to a binary frame for sex, follow a continuous order of sex, gender and desire. Gender ontology refers to such coherent gender identities. The reader should also observe that Butler sometimes refers to gender ontology as substantive identity. Returning to the issue of agency however, Butler recognises that gender ontology depends upon the consistent repetition of those signifying practices that condition the subject:

...to qualify as a substantive identity is an arduous task, for such appearances are rule generated identities, ones which rely on the consistent and repeated invocation of rules that condition and restrict culturally intelligible practices of identity.

(Butler 1990, p144)

Butler argues that the possibility of substantive gender identities can only be maintained through a repetition of the rules governing signification that restrict cultural intelligibility within a binary frame. Significantly for Butler however, one crucial consequence of this point is that because of the need for such repetition, there emerges the possibility for re-signification and hence, for agency. According



to Butler, since "all signification takes place within the orbit of the compulsion to repeat, agency, then, is to be located within the possibility of a variation on that repetition." (Butler 1990, p145) If however, as Butler argues, agency is found in the instance of 'a variation on the repetition of the rules of signification', precisely where is that variation to be found?

As I have demonstrated, because, abstractly speaking, language is an open system of signs, signification can be regarded as a *process* whereby intelligibility can be contested and re-created. As constructionism is the idea that gender ontology is an *effect* of signifying practices, then it follows that gender is itself a *process* through which the subject comes to be constituted, but can never be fully *determined*. Put another way, because "signification is not a founding act, but rather a regulated process of repetition", identity can never be fully determined by the terms of discourse responsible for its generation. (Butler 1990, 145) As Butler explains, as an effect of discourse, the category "'woman"...is a term in process, a becoming, a construction that cannot rightfully be said to originate or end." (Butler 1990, p33) Specifically, as the effect of the repetition of enactments that are essentially discontinuous, gender "is a norm that can never be fully internalised" and is therefore "impossible to embody". (Butler 1990, p141) Thus, while Butler recognises that gender ontology depends upon the consistent repetition of those signifying practices that condition the subject, these stylised repetition of acts can only ever approximate gender norms. Furthermore, discursive injunctions of gender simultaneously produce a realm of abject gender configurations that in some sense "exceed or defy the injunction by which they are generated." (Butler 1990, p145) The emergence of an identity that blatantly contests the compulsory order of sex, gender and desire, such as "the



homosexual" is one obvious variation on intelligibility. However, Butler argues that the "failure to become "real" and to embody "the natural" is...a constitutive failure of all gender enactments for the very reason that these ontological locales are fundamentally uninhabitable." (Butler 1990, p146) So, while the possibility of subversion can be found in those marginalised gender identities that are ostensibly excluded from the domain of cultural intelligibility, for Butler, subversive variation exists as a product of all identity injunctions. In short,

the injunction *to be* a given gender produces necessary failures, a variety of incoherent configurations that in their multiplicity exceed and defy the injunction by which they are generated.  
(Butler 1990, 145)

Notably therefore, Butler maintains it is not only that agency can be located in those gender enactments that challenge or ultimately parody the gender injunctions by which they are generated. Rather, such variations are an *inevitable* product of the gender injunctions by which they are generated.

To recapitulate, Butler maintains that signification is the necessary scene of agency on the basis that gender norms are impossible to fully embody. Although identity is constituted in and through language through a process of a stylised repetition of acts, the discontinuous nature of those gender enactments that actually produce identity means that identity is never really fully determined. Thus, gender enactment always expresses a variation on gendered identity norms. For Butler, this inevitable variation is the very scene of agency or possible



subversion. Nevertheless, it is still unclear how the incapacity to fully embody gender norms constitutes a form of agency. To qualify Butler's position I must turn to a third point, namely, that the failure to fully embody gender norms exposes gender as a phantasmatic and therefore, a politically tenuous construction.

As I have shown, for Butler, the "failure" to properly embody culturally intelligible gender configurations illustrates a variation on gender intelligibility, potentially capable of subverting conventional gender norms. More accurately, Butler argues that the potentially subversive element is to be found in the fact that gender enactment constitutes a variation on gender intelligibility that consequently, contests the hegemony of that intelligibility. As I have shown Butler argues that the incapacity to fully embody gender norms exists by virtue of the discontinuity of those performative acts that constitute identity. For Butler, such moments of variation reveal the discursive origins of culturally intelligible gender configurations and thereby destabilise the notion of gender ontology:

The possibilities of gender transformation are to be found precisely in the arbitrary relation between such acts, in the possibility of a failure to repeat, a deformity, or a parodic repetition that exposes the phantasmatic effect of abiding identity as a politically tenuous construction. (Butler 1990, p141)

More explicitly, I have shown how the subject appears through a signifying practice that functions to conceal its own construction and, as Butler writes,

"naturalise its effects". (Butler 1990, p144) As we have seen, one of the functions of such signifying practices is to produce and regulate the concept of prediscursive embodiment which functions to fix the matrix of gendered intelligibility. According to Butler however, gender enactments that fail to properly embody the gender norm, and thereby fail to reflect the compulsory order of sex, gender and desire, actually reveal the phantasmatic nature of that "compulsory" order. In other words, "the "real" and the "sexually factic" are phantasmatic constructions or illusions of substance that bodies are compelled to approximate, but never can." (Butler 1990, p146) Therefore, unintelligible gender configurations actually expose that illusion of substance upon which the framework of intelligibility is built. Thus, defiant or parodic repetitions of gender, suggests Butler, "expose.. the illusion of gender as an intractable depth and inner substance." (Butler 1990, p146) In short, Butler maintains that the failure to properly embody culturally intelligible genders, that is, the failure to become "real", reveals the concept of prediscursive embodiment as an illusion, and thereby destabilises gender ontology.

Previously I asked, since concepts of agency have traditionally relied upon the notion of a prediscursive subject, and Butler's task is to dispense with this notion, then what sort of agency could Butler's thesis accommodate? Broadly speaking, it appears that the issue of agency is re-formulated in Butler's thesis, as an issue of how signification and re-signification works. Butler argues that signification harbours agency because, as the effect of discursive configurations that are impossible to embody, gender enactment inevitably parodies gender ontology. Such parody, suggests Butler, reveals the notion of gender ontology as an illusion, and thereby provides the opportunity for the legitimization of those gender



configurations that defy cultural intelligibility. Significantly, Butler does supplement her conception of agency with the suggestion that parodic repetition by itself does not constitute an effective subversion of identity:

Parody by itself is not subversive, and there must be a way to understand what makes certain kinds of parodic repetitions become effectively disruptive, truly troubling, and which repetitions become domesticated and re-articulated as instruments of cultural hegemony. A typology of actions would not suffice, for parodic displacement, indeed, parodic laughter, depends upon a context and reception in which subversive confusions can be fostered. (Butler 1990, p139)

Thus, the question of what constitutes effective agency without recourse to a concept of a prediscursive subject is not simply answered in relation to the way in which signification and re-signification work. Evidently Butler does maintain that it is the recognition of the need for consistent repetition of those signifying practices that produce and naturalise the subject, and the subsequent recognition of the inevitability of a variation on that repetition, that reveals the possibility of agency as an inevitable feature of signification. However, she then adds the crucial qualification that, while subversive or abject gender configurations have the effect of revealing the illusion of gender substance, the extent to which they are genuinely subversive is contextually dependent.

Finally then, in precise terms, how does Butler re-conceptualise agency? The essence of Butler's position can be illustrated by a brief examination of some general criticisms of constructionism. To reiterate a previous point, Butler observes that critics of constructionism consistently ask questions such as: "If gender is constructed, then who is doing the constructing?", and similarly, "If the subject is constructed, then who is constructing the subject?" (Butler 1993, p6) In other words, critics of constructionism appear to be confused about how, without recourse to a human agent - a prediscursive subject, constructionists can account for the construction of subjectivity. While on the surface, such questions appear to accept the general point of constructionism, namely, that the "subject" is discursively constituted, Butler argues that they implicitly assume and perpetuate the very concepts that constructionism attempts to dissolve. Specifically, Butler argues that this type of question implicitly assumes the necessity of a conception of agency that presupposes the concept of a prediscursive subject. By assuming the idea of an agent responsible for the construction of the subject, such questions evoke a voluntarist conception of agency, and thereby inadvertently maintain the idea of an "outside" to discourse wherein the acting subject dwells. Butler stresses that this failure to dispense with the idea of an "outside" to discourse wherein the subject-agent can contest the terms of discourse, reflects a failure to grasp the extent to which constructionism radicalises our general acceptance of grammar, as well as our general understanding of both subjectivity and agency. Hence, as a rejoinder to criticisms of constructionism, Butler emphasises the necessity to develop a greater "suspicion toward grammar" in order to re-conceive the issue of subjectivity, and the question of agency, more appropriately. (Butler 1993, p7) As I will show, Butler's request for a more critical approach to grammar provides the basis for a more refined understanding of her re-conceptualisation of the concept of agency.



As I have suggested, Butler maintains that questions such as "...who is constructing the subject", reflect a failure to come to terms with both the essence, and the implications of the constructionist's thesis that the subject is a discursive effect. First, in contradiction to the idea that the subject emerges from *within* discourse, Butler reveals that such questions are grounded on the assumption that there is an *outside* to discourse in which the subject exists. Butler maintains that, by adhering to a voluntarist conception of agency, such questions entail the notion of a prediscursive subject. In other words, the question of "who" constructs the subject implicitly assumes that there must be "a human agent, a subject, ...who guides the course of construction.." (Butler 1993, p6) So, by seeking a subject - an agent -responsible for the construction of the subject, critics of constructionism seem to assume that agency is established with recourse to a subject who is not constructed by discourse, that is, who exists outside of discourse. In terms of Butler's thesis however, the question of "who" constructs the subject appears to be a non-question. Since constructionism involves the idea that the subject is itself discursively constructed, then this question, rather than being critical, presupposes the truth of the grammatical formulations of the subject that constructionists oblige us to dissolve. In other words, such questions appeal to the very ontology that constructionism renders highly problematic. Consequently, it can be argued that because constructionism dissolves the concept of prediscursive subjectivity, then the question of "who" constructs the subject which assumes a concept of prediscursive subjectivity, is essentially question begging.

But how does the recognition that the questions offered by critics of constructionism are question begging help to clarify Butler's understanding of agency? As I have discussed, critics of constructionism implicitly presume the

necessity for a concept of agency based on the idea of subject existing outside of discourse. For Butler however, to locate both the subject and agency in a realm outside of discourse is to miss the point of constructionism all together. According to Butler, the desire to maintain the idea of a realm outside of discourse, reflects the extent to which critics of constructionism continue to maintain their faith in the legitimacy of grammatical formulations of the subject. Moreover, such desire stems from a failure to account for the fact that the necessary "outside" to which critics of constructionism intuitively refer, is actually found *within* discourse, through the failure of bodies to properly materialise identity norms. While the practice of re-signification is the location of "agency", it is not the case that potentially subversive gender performatives are an *intentional* product of a subject-author whose action provides a "pure" opposition to discursive modalities of power. (Butler 1993, p241) Rather, agency, is to be located in that space or *excess* produced by the incapacity to fully embody gender norms, and which necessarily accompanies any enactment of gender ontology. Butler does emphasise that the re-conceptualisation of the subject as one who is discursively constituted necessitates a re-conceptualisation of agency that is "directly counter to any notion of a *voluntarist* subject who exists quite apart from the regulatory norms which he or she opposes." (Butler (my emphasis) 1993, p15 ) Correspondingly, as the subject is produced by the very norms it resists, Butler re-defines agency as a "reiterative or re-articulatory practice, immanent to power, and not a relation of external opposition to power." (Butler 1993, p15) In other words, it is wrong to think of agency in terms of an intending subject capable of contesting the terms of discourse; a subject's inability to fully embody the discursive injunctions through which they themselves are generated, ensures that they inevitably do.



This discussion assists in refining our understanding of Butler's conception of agency. Primarily, it implies that constructionism necessitates a radical re-conceptualisation of agency, that cannot be premised on the notion of a "subject" which exists outside of discourse. Butler dissolves the concept of agency as subjective voluntarism, and reconceptualises it as a practice of reiteration and re-articulation, that, unlike voluntarism, is immanent to power, but "not a relation of external opposition to power." (Butler 1993, p15)

...agency denoted by the performativity of "sex" will be directly counter to any notion of a voluntarist subject who exists quite apart from the regulatory norms which she/he opposes. The paradox of subjectification... is precisely that the subject who would resist such norms is itself enabled, if not produced, by such norms. Although this constitutive constraint does not foreclose the possibility of agency, it does locate agency as a reiterative or re-articulatory practice, immanent to power, and not a relation of external opposition to power. (Butler 1993, p 15).

In other words, we have seen that a concept of voluntarist agency presupposes a concept of prediscursive subjectivity that by the terms of constructionism, does not exist. Agency then must be reformulated as an immanent feature of the discourse that constitutes the subject. In other words, Butler's reconfiguration of agency denotes an interesting paradox. Not only is the subject produced by discursive gender norms, these norms also provide the conditions for the re-

workings of that subject. This is because, as we have seen, gender enactment is always an approximation of gender norms.

Finally, the adaptation of this re-conceptualisation of agency to the issue of the *subversion* of identity warrants some further qualification. According to Butler's re-conceptualisation of agency, the issue of what constitutes a genuinely subversive act, seems to be an incalculable or never ending question. As (non-voluntarist) agency is located in the failure of bodies to properly materialise identity norms, and this failure is an inevitable feature of *all* gender enactment, then the matter of re-signifying identity is, as Butler describes, both continuous and unrelenting:

Performativity describes [the] relation of being implicated in that which one opposes, this turning of power against itself to produce alternative modalities of power, to establish a kind of political contestation that is not a "pure" opposition, a "transcendence" of contemporary relations of power, but a difficult labour of forging a future from resources inevitably impure.

(Butler 1993, p241)

The implications here are twofold. First, while gender enactment will parody gender ontology and provide testimony to the idea that the idea of "true" or "natural" identity is a regulatory fiction, such parody will never amount to a genuine subversion of cultural intelligibility. Second, this inability to achieve a genuine subversion of intelligibility also relates to the fact that gender parody



emerges from the very gender norms that it subverts. As I have outlined, Butler maintains that "it is only within the practice of repetitive signifying that a subversion of identity becomes possible." (Butler 1990, p145) Hence, while the injunction *to be* a given gender produces necessary failures that, according to Butler, "allow the assertion of alternate domains of intelligibility", the emergence of these "subversive" domains also depends upon, the continuing presence of those terms from which they emerged. (Butler 1990, p145) In short, the enactment of a parodic gesture that defies the terms of cultural intelligibility is only parodic by virtue of the terms of intelligibility. Hence, while the parodic enactment of gender norms reveal the unstable and continuing condition of the subject, which for Butler, is the requisite condition for agency, this agency does not suggest the possibility of subverting or transcending the terms of intelligibility. Rather, Butler's re-conceptualisation of agency implies "subversion" as an *immanent* feature of gender parody; a *displacement* of the very gender norms from which such parodies inevitably emerge.

In summary, constructionism entails a re-formulation of the concept of agency as a reiterative or re-articulatory practice made possible by the contingent nature of those discursive practices that inform the constitution of the subject. While critics of constructionism argue that constructionism implies a constraint that forecloses the possibility of agency for the subject, Butler maintains that this criticism is based on the false perception that agency depends upon the idea of a prediscursive subject. According to Butler's thesis however, the concept of a prediscursive subject is itself a product of signification. Hence, adherence to this specific discursive construction results in a type of determinism in so far as the subject is constrained within the terms of a regulated conception of both subjectivity and

agency. Once the idea of an "outside" to discourse is abandoned however, a radical re-conception of the subject as a constitutive effect emerges. Moreover, the acceptance of a constructivist account of gender formation allows for a re-formulation of the concept of agency as an immanent feature of signification and as an effect of the inability of bodies to exactly reproduce gender norms. Butler argues that gender ontology depends upon the consistent repetition of those signifying practices that condition the subject. Given the contingent nature of language however, the practice of signifying identity is (inevitably) accompanied by a variation on the repetition of the rules of signification. Specifically, as signification is a regulated process of repetition, gender identities can never be fully determined by the terms of discourse from which they emerge. Rather, discursively constituted genders are themselves constructions in process, that through their essentially discontinuous nature, are impossible to embody. Significantly, instances of parodic repetition also provide the basis to contest the terms of cultural intelligibility. Such variations implicitly contest the hegemony of culturally intelligible gender configurations in so far as they reveal the discursive origins of the gender injunctions from which they are generated.

### **"Agency" and Reproductive Technology.**

So far, I have outlined Butler's reconfiguration of agency. We have seen that for Butler "agency" is refigured as an issue of how signification and resignification works. In particular, Butler maintains that "signification takes place within the orbit of the compulsion to repeat"; "agency", then, is to be located within the possibility of a variation on that repetition." (Butler 1990, p 145) This thesis is primarily concerned with whether Butler's reconfiguration of agency can be applied to the context reproductive technology? In chapter one I raised this issue



in response to a critical examination of the radical feminist critique of reproductive technology. First, following Butler, I argued that the assumption of prediscursive subjectivity can function to restrict adequate concepts of agency for women. In particular I showed that one way in which the concept of prediscursive subjectivity is perpetuated is through the sex/gender distinction. This is because the sex-gender distinction perpetuates a concept of prediscursive embodiment which, as we have seen, helps to perpetuate the assumption of a prediscursive subject who is vested with agency.

Following this, I argued that the radical feminist critique of reproductive technology is implicated in the foreclosing of adequate concepts of agency for women. I argued this on the basis that these critiques maintain the sex/gender distinction. Specifically, the principle of personal autonomy that underlies this critique contains a concept of prediscursive embodiment. This leads to the foreclosing of adequate concepts of agency because the concept of prediscursive embodiment naturalises and therefore fixes the concept of prediscursive subjectivity, that is, the assumption of a presocial subject who is vested with agency. Thus, the radical feminist critique of reproductive technology perpetuates one conception of agency thereby foreclosing the possibility of alternate conceptions of agency. However, I have also shown that by dissolving the presumption of prediscursive subjectivity Butler advances a theory of constitutive embodied subjectivity in which the subject is presumed to be an effect of discursive configurations of identity. We have just seen the way in which this theory of subjectivity underlies Butler's reconfiguration of the concept of agency as an issue of how signification and resignification works. Again, I am trying to determine whether this reconfiguration of agency can be applied to the context of

reproductive technology. Given that this issue has advanced from an analysis of the radical feminist critique of reproductive technologies, I am also trying to draw some conclusions regarding the implications of Butler thesis for this particular feminist critique. Before applying Butler's reconfiguration of agency to the issue of reproductive technology, let me address what I believe to be the broad implications of Butler's thesis for radical feminist critiques of reproductive technology.

This thesis has indicated that the assumption of prediscursive subjectivity is inextricably related to the foreclosing of adequate concepts of agency. We have seen that within the radical feminist critique of reproductive technology, the concept of prediscursive subjectivity helps to regulate and fix a voluntarist conception of agency thereby foreclosing other concepts of agency. Moreover, we have seen that in dissolving the assumption of prediscursive subjectivity, Butler advances an alternate conception of agency. The possibility of a concept of agency beyond a voluntarist concept of agency, is thus linked to the dissolution of the concept of prediscursive subjectivity. Thus, Butler's reconfiguration of agency implies the need to engage in critical practices aimed at challenging the legitimacy of the concept of prediscursive subjectivity. In the present context, this challenge has been directed towards radical feminist critiques of reproductive technology. In particular, I have argued that the principle of personal autonomy upon which these critiques are generally founded, is one discursive means through which the concept of prediscursive subjectivity is perpetuated and adequate concepts of agency foreclosed. One implication which may be gathered from this discussion is that if radical feminists are concerned with the issue of women's agency, they should be concerned with those discursive traditions that perpetuate



the assumption of prediscursive subjectivity. In particular, feminists should critique those discursive mechanisms through which a binary frame for sex is produced and established as prediscursive. By critiquing discourses that perpetuate the assumption of the intractability of a binary frame for sex, feminists are displacing the concept of prediscursive subjectivity that, as we have seen, forecloses adequate concepts of agency for women.

Significantly however, I have also indicated that the possibility of challenging the legitimacy of the concept of prediscursive subjectivity is an inevitable feature of gender enactment. We have seen that for Butler, gender ontology depends upon the consistent repetition of those signifying practices that condition the subject and that agency is to be located within a variation on that repetition. Gender enactment inevitably constitutes a variation on repetition in so far as it is impossible to fully embody gender ontology. Hence, for Butler, the possibility of parodic repetition presents itself as an inevitable feature of gender enactment. Such enactment, suggests Butler, inevitably produces a repetition of parodic gender enactments, "a radical proliferation of gender, to displace the very gender norms that enabled the repetition itself." (Butler 1990, p 148) According to this thesis, Butler maintains that the question of agency is to be answered by acting within the terms of intelligibility.

The critical task for feminism is to locate strategies of subversive repetition enabled by those constructions, to affirm the local possibilities of intervention through participating in precisely those practices of repetition that constitute identity and, therefore, present the

immanent possibility of contesting them. The critical task of feminism is not to establish a point of view outside of constructed identities: that conceit is the construction of an epistemological model that would disavow its own cultural location and, hence, promote itself as a global subject, a position that deploys precisely the imperialist strategies that feminism ought to criticise. (Butler, 1990, p 147)

I have shown that the radical feminist critique of reproductive technology is based upon the assumption of a fixed conception of voluntarist agency and that this forecloses other concepts of agency. One consequence of this assumption I have said, is that radical feminists advocate women's withdrawal from such social practices such as reproductive technology. This consequence of the radical feminist critique of reproductive technology conflicts with Butler's thesis that subversive repetition is enabled by acting within the realm of cultural intelligibility, that is, within the matrix of normative gender relations. As Butler reminds us,

"to operate within the matrix of power is not the same as to replicate uncritically relations of domination. It offers the possibility of a repetition of the law which is not its consolidation, but its displacement." (Butler 1990, p 30)

Radical feminists, in adhering to a fixed voluntarist concept of agency, perpetuate the false assumption that agency is secured for women by withdrawing from



patriarchal practices such as reproductive technology. According to Butler's reconfiguration of agency however, the task of feminism is to affirm the possibility that women's participation in the terms of intelligibility allows for the possibility of contesting those terms. To what extent do reproductive technologies promote a matrix of normative gender relations and therefore the 'immanent possibility of contesting' such norms? This question returns us to the issue of whether Butler's reconfiguration of agency can be applied to the context of reproductive technology.

### **Are There Material Constraints Upon Discourse?**

Before addressing this question however, it is necessary to respond to a common criticism that is often made of Butler's thesis. In chapter one I indicated that my impetus for bringing these two domains together was the issue of whether Butler's thesis ignored the problem of biological constraints upon discourse. To reiterate, I outlined the way in which many of Butler's contemporaries have questioned whether Butler's dissolution of the concept of prediscursive embodiment involves ignoring or negating the materiality of the body. This criticism is based on the observation that when Butler rejects the concept of prediscursive embodiment she seems to be saying that there is no material or bodily reality that precedes the discursive constitution of the subject. In other words, because Butler regards biological sex as the product of discursive configurations of gender, theorists have questioned whether this involves a denial of the relevance of sexual specificity. In particular, the apparent specificity of the female body and its capacity for impregnation is cited by theorists as an example of material constraints upon discourse which Butler's thesis seems to ignore. The issue of reproductive technology seemed to be a context in which the presumption

of prediscursive embodiment seemed justified. This is to say that the issue of reproductive technology seems pertinent to women precisely because of the specificity of the female body.

I have shown how Osborne and Segal question Butler's thesis in terms of her apparent failure to address the issue of the materiality of the body by asking why is it that male bodies don't get produced as child bearing. The issue of the specific relevance of reproductive technologies to women - based on the specificity of the female body - raises the question of the validity of dissolving the concept of prediscursive embodiment in relation to discussions about reproductive technology. Indeed, just as Osborne and Segal asked Butler: "Why is it that male bodies don't get produced as child rearing?", we might ask: why is it that male bodies don't get produced such that they are eligible to use reproductive technologies? In other words, given that only female bodies are exposed to reproductive technologies, doesn't this legitimate the assumption of prediscursive embodiment, that is, an intractable biological reality, which Butler's thesis attempts to dissolve? Does the specificity of the female body constitute a legitimate constraint on discourse such that the assumption of prediscursive material reality is justified? In response to this issue, I would like to suggest that while the issue of reproductive technology appears to be a context in which the assumption of an intractable biological reality is justified, it is in fact Butler's dissolution of the concept of prediscursive embodiment which is justified. In particular, I would like to suggest that the question of whether there are biological constraints upon discourse indicates a misunderstanding of Butler's thesis. Moreover, it can be argued that the question itself perpetuates the very assumption of prediscursive subjectivity that Butler attempts to dissolve.



Recalling again the implication I drew from Osborne and Segal's question, one might think that the concept of prediscursive embodiment is warranted in so far as the "female" body has the capacity for impregnation. In other words, one might think that the fact that "male" bodies do not have the capacity for impregnation justifies the differentiation between "males" and "females", and hence affirms the legitimacy of not only the concept of prediscursive embodiment, but also a binary frame for sex. Likewise Butler acknowledges that someone might well ask why it is that only "female" bodies go to the gynaecologist:

Somebody might well say: isn't it the case that certain bodies go to the gynaecologist for certain kinds of examinations and certain bodies do not.....One might say it's because somebody is of a given sex that they go to the gynaecologist to get an examination to establish the possibility of pregnancy. (Butler cited in Osborne & Segal 1994, p 33)

In terms of Butler's thesis however, this perspective misses the point that the discursive concept "female" imposes an artificial unity upon (the body) which would otherwise be a discontinuous set of attributes. In other words, "females" exist only by virtue of the assumption that certain biological differences become the salient characteristic of an identity category which we call "sex". In relation to the question: what about the "female" body's capacity for impregnation therefore, the question itself presupposes that the biological differences of the female body are naturally the most salient characteristic of "sex". As outlined however, these features are discursively constructed as the salient feature of "sex" in relation to an otherwise discontinuous set of attributes. Thus, in relation to the question:

what about the female body's capacity for impregnation, Butler maintains that the "real question" is: "to what extent does the body get defined by its capacity for pregnancy?" Or, "why is it pregnancy by which the body gets defined?" (Butler: cited in Osborne & Segal 1994, p33)

Put another way, Butler emphasises that there are many "females" who are not capable of impregnation. Moreover, with regard to those women who are capable of impregnation, it should be acknowledged that this capacity need not be regarded as the most salient feature of their identity:

....the fact of the matter is that there are female infants and children who cannot be impregnated, there are women of all ages who cannot be impregnated, and even if they could ideally, that is not necessarily the salient feature of their bodies or even of their being women. (Butler cited in Osborne & Segal 1994, p 33)

Thus for Butler, the question: but doesn't the female body's capacity for impregnation indicate the validity of the concept of prediscursive embodiment, inadvertently demonstrates one way in which the female body is forcibly produced through discourse. This is to say that the question assumes that the issue of reproduction is an issue central to women's lives, and subsequently, is implicated in making the issue of reproduction central to the sexing of the (female) body. Thus for Butler, the assumption that reproduction is salient in the sexing of the body amounts to an "imposition of a norm, not a neutral description of biological constraints." (Butler cited in Osborne & Segal 1994, p 33)



According to this conclusion, the apparent relevance of reproductive technologies to the female body does not legitimate the assumption of prediscursive embodiment or natural sex. As I have outlined, while it is the specificity of the female body that renders women eligible for exposure to reproductive technologies, this should not be regarded as evidence of a natural differentiation between "males" and "females" or the legitimacy of the concept of prediscursive embodiment. As with the example of impregnation, the question: why is it that only the female body is exposed to reproductive technologies, falsely presumes that the biological differences of the female body are naturally the most salient characteristic of "sex". In other words, the question ignores Butler's fundamental point that the female body is forcibly produced or unified through discourse. Moreover, the question assumes that the issue of the female body's capacity for impregnation is an issue central to women's lives, and, is subsequently implicated in making the issue of reproduction central to the sexing of the (female) body. In emphasising the relevance of reproductive technologies to the "female body", one perpetuates the legitimacy of the concept of a prediscursive "female" identity. Thus, while we might ask: but isn't it only female bodies that are exposed to reproductive technologies (and doesn't this legitimate the concept of prediscursive embodiment), Butler might argue that the real question is: why is it that reproductive technologies are discussed in relation to their effects upon "female" bodies? Such a focus, she would argue, amounts to "a discursive enforcement of a norm", that in fact contributes to the constitution of specifically female bodies. (Butler cited in Osborne & Segal 1994, p 33)

Indeed this is an important question to ask in relation to understanding the apparent inadequacy of the radical feminist agenda of denying all women access

to reproductive procedures. As outlined, Butler emphasises that in relation to the issue of the female body's capacity for impregnation it is important to acknowledge that this capacity need not be regarded as the most salient feature of sex. Similarly, when radical feminists present the problematic of reproduction (within the context of the issue of reproductive technologies) as an issue specifically for women, they fail to acknowledge that there are women for whom the issue of reproductive technologies is not relevant. Akin to the issue of impregnation, when radical feminists define the issue of reproductive technology as "a woman's issue", they reconsolidate the supposition that reproduction is central to the sexing of the body. Consequently, they are implicated in the constitution of sexed embodiment in accordance with a specifically binary frame. To repeat my previous argument, the radical feminist might retort: but aren't there biological differences that justify making any issue related to reproduction a "woman's" issue? As outlined however, for Butler:

When people ask the question 'Aren't *these* biological differences?', they're not really asking about the materiality of the body. They're actually asking whether or not the social institution of reproduction is the most salient one for thinking about gender. (Butler cited in Osborne and Segal 1994, p 34)

In conclusion, Butler's point is that the assumption that the issue of impregnation, or the problematic of reproduction is relevant to women by virtue of the specificity of the female body, is an assumption that contributes to the constitution of sexed embodiment in accordance with a binary frame.



Accordingly, the assumption within the radical feminist critique of reproductive technology, that the problematic of reproduction is relevant to women by virtue of the specificity of the female body, implicates that critique in the constitution and perpetuation of the concept of prediscursive embodiment.

### **Maintaining the Principle of Personal Autonomy.**

Apparently then, Butler's response to the problematic of reproduction suggests that her primary concern is with the (discursive) conditions under which biological differences become the most salient features of "sex". In relation to the issue of reproductive technologies, I have shown how Butler's concern translates into a concern with the (discursive) conditions inherent in the radical feminist critique within which the concept of a prediscursive female identity is perpetuated. While the application of Butler's thesis to the radical feminist critique so far seems to justify her dissolution of the concept of prediscursive embodiment, it is not without its problems. The thesis that: the radical feminist critique of reproductive technology perpetuates the concept of a prediscursive embodiment does not, for me at least, resolve the issue of those bodies that suffer from using reproductive technologies. In other words, while Butler's primary concern is with the (discursive) conditions under which biological differences become the most salient features of "sex", this focus contributes little to the problem outlined for us within the radical feminist critique, namely, that there are bodies that do suffer through the use of reproductive technologies - irrespective of the way in which these bodies are constituted.

In chapter one I outlined the primary objections which radical feminists have to reproductive technologies. Among those objections that I did not outline was that radical feminists recognise that reproductive technologies have considerable negative physical and psychological effects. Let me now then consider that tenet of the radical feminist critique of reproductive technologies that suggests the use of reproductive technologies results in a significant level of adverse physical reactions for the women who use them.<sup>27</sup> Radical feminists indicate that despite a very high failure rate for procedures related to reproductive technologies, it remains standard or 'routine' procedure for women to undergo "at least four to six treatment cycles." (Klein: 1994, p134) This point becomes significant when we consider that women are being subject to the routine use of an essentially dangerous procedure. One effect that is consistently cited is that of women's adverse reactions to the use of hormonal drugs. These drugs are used to stimulate ovulation but have proven to be consistently problematic producing such side effects as "vision problems, nausea, dizziness, weight gain to hyper-stimulation: a dangerous swelling of the ovaries and/or the production of cysts..." (Klein 1994, p132) Robyn Rowland and Renate Klein, feminists who have consistently argued against the use of reproductive technologies, suggest that the intense level of danger associated with the drugs used to artificially stimulate ovulation, includes the danger of premature menopause and cancer. (Klein 1994, p133) Moreover, many women who are on the IVF programs because of their partners infertility, when subject to these risks, become themselves infertile.

Radical feminists also maintain that the uses of reproductive technologies affect women in psychologically adverse ways. Each attempt according to the radical feminist critique, is fraught with emotional upheaval and a disruption to one's



daily life, the stress of which is compounded by the effects of hormonal drug use and the consistent 'failure' to produce a child. Not only does an infertile women have to contend with the stress of involuntary childlessness, her pain is intensified by the perception that even with the help of technology she has 'failed' to produce a baby. Moreover, they argue that this perception is certainly not alleviated by such "reprospeak" as "diseased tubes,...hostile womb,...incompetent cervix,...aggressive placenta,...and fertilisation failure." (Klein 1994, p132) The emotional cruelty that stems from the use of reproductive technology has also been explained in terms of their existence making it difficult for women to reject these technologies and reconcile themselves to childlessness; in light of the relative failure of these procedures, the public perception that reproductive technologies are a miraculous 'cure' for the infertile has been described as offering cruel and false hope to women who want to have a biological child but who cannot.

We have seen that these sorts of objections to reproductive technologies compel radical feminists to appeal to a principle of personal autonomy and subsequently to advocate that women should withdraw from this type of social exchange in order to maintain their autonomy.<sup>28</sup> For instance, I have mentioned that Steinberg rejects new reproductive technologies on the basis that they "constitute an unprecedented assault on the privacy, integrity and autonomy of women." (Steinberg 1990, p 85)

The extent to which 'IVF' treatment fragments women's reproduction and transfers their bodies whole and in parts to medical scientific jurisdiction

and control is the extent to which: (1) women are alienated from their own bodies, reproductive processes and general health and well-being: (2) women are subordinate to practitioners' control and dependent upon practitioners' priorities and schedules; and (3) women's reproductive agency is constrained, compromised or precluded altogether. (Steinberg 1990, p 89)

Here Steinberg implicitly appeals to a principle of personal autonomy and claims that women's use of reproductive technologies amounts to an assault on that autonomy, as well as women's agency. Again, the loss of autonomy is linked to the degree medical practitioners control women's bodies. Secondly, the reclaiming of that autonomy is linked to women's ability for voluntary agency; women's autonomy is intact if she maintains the right to make decisions about what to do with her body. However, I have also outlined the way in which the principle of personal autonomy perpetuates a concept of prediscursive embodiment and thereby fixes a voluntarist conception of agency. Does this mean that radical feminists should abandon the principle of personal autonomy?

I want to argue that the observations regarding the adverse physical and psychological effects of reproductive technology contained within the radical feminist critique of reproductive technology in fact justify the radical feminist's appeal to a principle of personal autonomy. When we acknowledge that reproductive technologies cause bodies to suffer, it seems justified to recall the principle of personal autonomy as a necessary political fiction, fundamental to the



protection of women's bodies involved in the use of reproductive technologies. The issue of reproductive technologies aside, it is relatively easy to conceive of ways in which the abolition of a principle of personal autonomy would elicit all manner of exploitation and abuse of women. There are many contexts in which women's withdrawal from a particular social exchange is legitimate and for which the principle of personal autonomy functions to ensure women's safety or legal redress.<sup>29</sup> I am thinking here of issues such as rape, incest, or indeed any form of assault involving the body. In the case of rape for instance, the premise that women have the right to make decisions regarding their body property is measured against the actions of the rapist and, abstractly at least, provides women with legal indemnity. Accordingly, when radical feminists claim that women's bodies are negatively affected by the use of reproductive technologies, then an appeal to the principle of personal autonomy is at least one conceptual framework from which the idea that women have the right to make decisions regarding their bodies is maintained. This is not to say that theorists such as Steinberg are correct in assuming that the very use of reproductive technologies constitutes an assault on women's autonomy; I am not assessing the legitimacy of the radical feminist position. Rather, I am suggesting that the concept of autonomy assumed within the radical feminists critique of reproductive technologies is a necessary political fiction. While perpetuating the concept of prediscursive subjectivity, the principle of personal autonomy nonetheless functions as a political tool through which women's bodies can sometimes be protected.

When I defend the principle of personal autonomy I am also defending a voluntarist conception of agency, that is, one which assumes the concept of a disembodied individual capable of existential choice.<sup>30</sup> As I have discussed,

while radical feminists regard reproductive technologies to be linked to an assault on women's autonomy, the reclaiming of that autonomy is linked to the possibility that women can voluntarily withdraw from or control such procedures. In other words, the protection of women's autonomy is linked to women's capacity for voluntarist agency. Thus, when I refer to the apparent need to retain the principle of personal autonomy, I am also advocating that a concept of voluntarist agency is necessary for the protection of women's bodies; it too functions as a necessary political fiction. The apparent need to retain a voluntarist conception of agency, suggests that Butler's reconception of agency should not be a *substitution* for a conventional voluntarist conception of agency. As I have suggested, the abolition of a conventional approach to the issue of women's agency amounts to the abolition of a useful political fiction against which all manner of exploitation and abuse of women can be measured. Thus, the concept of voluntarist agency should stand therefore, as a useful and necessary political tool that remains fundamental to feminism and the issue of women's protection.<sup>31</sup>

Given this understanding of the importance of this conventional concept of agency for feminism, there does seem to be something problematic about rejecting the radical feminist critique of reproductive technology simply on the grounds that this concept remains central to that critique. Thus, while there may be other ground on which to reject the radical feminist critique of reproductive technologies, the fact that it retains a conventional approach to the issue of agency is not one such ground.

So where does this leave Butler's thesis? So far I have argued that, at least within the context of reproductive technology, Butler's re-conception of agency *should not* substitute for a conventional conception of agency. I argue this on the basis



that the principle of personal autonomy functions as an effective political fiction that services the protection of bodies. Nonetheless, this does not resolve the issue of radical feminists perpetuating a concept of prediscursive embodiment by appealing to the principle of personal autonomy. In chapter one I outlined the way in which a concept of prediscursive embodiment legitimates the idea of a prediscursive subject and that this leads to the foreclosing of adequate concepts of agency. The pertinent question now is how to reconcile the apparent need to retain a principle of autonomy with the recognition that this principle perpetuates the concept of prediscursive embodiment. In particular, I am endeavouring to ascertain whether Butler's reconfiguration of agency provides a way through this problem? I would like to suggest that while Butler's conception of agency should not be a substitution for a voluntarist conception of agency it nonetheless remains compatible with a voluntarist conception of agency. This is a radical suggestion which implies that it is possible to retain both a conventional conception of agency and Butler's reconfiguration of the concept of agency. In order to justify this claim, I would like to consider the way in which Butler's conception of agency allows us to conceptualise change for women within the context of reproductive technology.

According to Butler, constructivism harbours agency. This is because, as an effect of discursive configurations that are impossible to fully embody, gender enactment inevitably parodies gender ontology. How does this conception of agency translate within the context of reproductive technology? In the terms of Butler's thesis, the manifestation of identity norms within discourses that surround reproductive technologies should allow for the simultaneous enactment and subversion of those norms. In other words, such identity norms are discursive

configurations which will inevitably produce instances of parodic repetition. In order to assess this supposition, I will consider some of the identity norms which, according to the radical feminist critique of reproductive technology, influence or encourage women's use of reproductive technology. I will suggest that these identity norms can be regarded as discursive configurations of identity which in accordance with Butler's thesis, provide the possibility of change for women. Radical feminists argue that the following identity norms are restrictive in so far as they exclude the possibility that women can freely choose to reject reproductive technologies. I will attempt to show however, that for Butler, these identity norms are "the necessary scene of agency, the very terms through which agency is articulated and becomes culturally intelligible." (Butler 1990, p 147)

### **Gendered Identity Norms and Reproductive Technologies**

As outlined, radical feminists maintain that women are coerced into using reproductive technologies by numerous social factors. Subtle forms of influence such as the dominance of pronatalist values, the conflation of woman with motherhood, limited economic opportunity, and socially bearing the responsibility of male infertility - are said to exclude the possibility that women can freely choose to use these high risk procedures. This is not, radical feminists argue, to present women as passive victims who are invariably tricked into undergoing these procedures. Rather, radical feminists maintain that a woman's ability to choose to risk subjecting themselves to these procedures is mediated by these social factors, the existence of which asserts a genuine and unavoidable influence upon women's lives. Significantly, I outlined the radical feminist suggestion that this coercion can largely be attributed to the social expectation that it is a woman's role in society to have children. There is, they argue, an exaggerated



perception of the need for reproductive technologies that is dependent upon society's tendency to conflate women and motherhood. In other words, radical feminists argue that the expansion of reproductive technologies is often justified through the perpetuation of stereotypical images of women as desperately in need of having a child.

Further, I indicated that some feminists argue that the social imperative to procreate pressures women into pursuing motherhood because women fear their behaviour will be judged in relation to this dominant ideal. For instance, Raymond relays the experience of an infertile woman who is agonised, not by her infertility, but by the perception of family and friends that she is *abnormal* for not pursuing every avenue possible to obtain a child, either through the use of reproductive technology or via adoption. (Raymond 1994, p5) Thus, radical feminists argue that the social imperative to procreate, inextricably connected with the social imperative that all women should be mothers, leads infertile women to perceive reproductive technologies as the only way of becoming a successful member of society. Women who expose themselves to reproductive technologies only do so because of the pressure of a socially constructed gender identity norm, that is, one which conflates women with their capacity for reproduction. Reinforcing the concept of a socially constructed gender identity norm, radical feminists maintain that the social perception of an infertile woman is of someone who is desperate to have a child. Some feminists maintain that this type of pressure clearly relates to a public conception not only that childlessness is abnormal, but that women are incomplete without a child. Radical feminists argue that this is evident when we observe that despite the fact male infertility is as common as female infertility, the public conception of the infertile is uniformly

female. According to radical feminists therefore, the expansion of reproductive technologies flourishes due to the pressure exerted by social attitudes towards infertility, but in particular women's infertility. The issue of coercion aside, it can be argued that women act in relation to reproductive technologies on the basis of a normative conception of what it means to be a woman. Again, this gendered identity norm is one which conflates women with a capacity for reproduction.

What are the significance of these gendered identity norms in terms of Butler's thesis? First, Butler acknowledges the existence of gendered identity norms consistent with those identity norms I have extracted from the radical feminist critique of reproductive technology. In particular, she acknowledges that gendered identity norms for women conflate women with a capacity for reproduction. This is evident in Butler's claim that the category of sex is constrained by "a tacit institution of compulsory reproduction" (Butler cited in Osborne & Segal 1994, p 34). Remember that for Butler, the category of sex is the foundational and causal category which underlies gendered identity norms. When Butler argues that "sex" is constrained by 'a tacit institution of compulsory reproduction' she is simultaneously suggesting that gendered identity norms for women are themselves constrained by 'a tacit institution of compulsory reproduction'. Butler relays the way in which 'compulsory reproduction' effects women in the following practical terms.

If.....you can't get pregnant for biological reasons, or  
 maybe you don't want to for social reasons,.....you  
 are struggling with a norm that is regulating your sex.  
 It takes a pretty rigorous (and politically informed)



community around you to alleviate the possible sense of failure, or loss, or impoverishment, or inadequacy - a collective struggle to rethink a dominant norm.

(Butler cited in Osborne & Segal 1994, p 34)

Butler acknowledges that culturally, the dominant identity norm for women is one which is inextricably bound to the issue of reproduction. Butler refers to the cultural phenomenon whereby women potentially feel a sense of failure in instances where they do not utilise a reproductive capacity. This suggests that the dominant norm which regulates the concept of sex and against which women struggle, is one which involves the idea that a woman is inadequate or unfulfilled unless she utilises her reproductive capacity.

The parallel between Butler's observations regarding culturally dominant identity norms and those identity norms which, indicated in the radical feminist critique, surround the practice of reproductive technologies seems evident. I argued that according to the radical feminist critique of reproductive technology, the culturally dominant identity norm which surrounds reproductive technologies is one which conflates women with a reproductive capacity. This specific identity norm is produced in conjunction with what radical feminists call the social imperative to procreate. Radical feminists maintain that this social imperative exerts a coercive force on women compelling them to use reproductive technologies. Similarly, Butler maintains that women are struggling against dominant social norms which are produced within culture by what she calls 'compulsory reproduction'. Evidently, the gendered identity norms which I have extracted from the radical feminist critique of reproductive technology are, Butler

would argue, examples of culturally instituted norms which regulate the category of sex and against which some women struggle.

It is also important to see the way in which gendered identity norms that surround reproductive technology amount to what Butler calls 'coherent gender identities'. In chapter one I outlined the way in which according to Butler, culturally compulsory heterosexuality leads to the production and maintenance of a binary gender system. This binary gender system generates coherent gender identities, that is, identities which reflect a continuous relation between sex, gender and desire, in accordance with a binary frame for sex. In the context of reproductive technology, I have indicated that women are dealing with a gendered identity norm which conflates women with a capacity for reproduction. It can be demonstrated that this gendered identity norm reflects a continuous relation between sex, gender and desire and therefore represents what Butler would call a 'coherent gender identity'. In accordance with a binary gender system, the norm involves the assumption that a female (sex) has the capacity for reproduction and that a woman (gender) inevitably wishes to utilise this reproductive capacity. Moreover, the norm assists in regulating heterosexual desire in that the utilisation of a woman's reproductive capacity requires heterosexual activity. Thus, the gendered identity norm that I have extracted from radical feminist critiques of reproductive technology is, in Butler's terms, an example of a coherent gender identity. As part of a regulatory functioning of the heterosexuality of desire it reflects a specific and continuous relation between sex, gender and desire.



### **Gendered Identity Norms and Butler's Agency.**

I am attempting to reconcile the need to retain a principle of personal autonomy within the context of reproductive technologies with the fact that this principle perpetuates a concept of prediscursive subjectivity. I have argued that this reconciliation is necessary because the principle of personal autonomy is a wanted political fiction that may service the protection of bodies. Yet, as I have shown, this principle contains a concept of prediscursive embodiment that lead to the foreclosing of adequate concepts of agency. In order to reconcile this apparent contradiction, it is necessary to show the way in which a Butlerian conception of agency allows for the possibility of change for women within the context of reproductive technology. I have just demonstrated that gendered identity norms exist within the context of reproductive technologies. In particular, I showed that the social imperative to procreate evokes a conception of women's identity that conflates women with a reproductive capacity. In terms of Butler's thesis, such discursive configurations of "woman" should allow for the possibility of agency or change for women. Again recalling Butler's thesis, substantive gender identity depends upon the constant repetition of those rules and practices that condition the subject. For Butler, agency is located within the possibility of a variation of that repetition. In other words, while discursive configurations of gender produce the subject, the fact that signification is a process of repetition ensures that the subject is never fully determined by those discursive configurations. The enactment of gender norms will inevitably produce instances of subversive repetitions of those norms. According to this thesis, the manifestation of gendered identity norms within discourses that surround reproductive technologies should allow for the simultaneous enactment and parodying of those norms. Supporting this claim, it is possible to identify instances where the enactment of the norms surrounding reproductive technology produce instances of parodic repetition.

Apart from identifying those gendered identity norms which surround reproductive technologies, I have also shown that they are, what Butler terms as, 'coherent gender identities'. The reader may recall that for Butler, the generation of coherent gender norms involves the simultaneous production of a realm of abject gender configurations. Abject gender identities are those that illustrate a *discontinuous* relation between sex, gender and desire. So, abject gender identities are those in which "gender does not follow from sex, or the practice of desire does not follow from either sex or gender." (Butler 1990, p17) Instances of subversive repetition of gendered norms are instances in which abject gender identities are produced. We have seen that the social imperative to procreate evokes a conception of identity for women that conflates women with a reproductive capacity. Challenging this norm however, there are many women, who despite being childless, are content being childless. In the terms of Butler's thesis, 'a woman who is content being childless', is an example of an abject gender identity. This woman's identity does not uphold the norm by reflecting a continuous relation between her reproductive capacity (sex) and her desire to be fulfilled as a woman, by motherhood (gender). Rather, her identity expresses a disruption of the relationship between these two aspects of a culturally normative or coherent gender identity. In other words, it represents a discontinuous relation between sex and gender. 'A woman who is content being childless' is someone for whom their reproductive capacity (sex) bares no relation to their fulfilment as a woman, by motherhood (gender).

I have also suggested that discourses surrounding reproductive technology construct a normative conception of infertile women as desperate to have a child. Again, we can see the way in which this identity, in Butlerian terms, constitutes a



coherent gender identity. A woman (gender) is assumed to be unfulfilled if she does not utilise a reproductive capacity. This capacity for reproduction is a function of (and here conflated with) biological sex. According to this identity norm therefore, a woman's fulfilment is inextricably linked to her biological sex, or reproductive capacity. We can also see however, that this coherent gender norm simultaneously produces instances of subversive repetition, or 'abject gender configurations'. Contesting the norm that 'infertile women are desperate to have a child', there are many infertile women who, despite using reproductive technologies, still do not have a child, but remain ambivalent about this. This indicates that a woman's fulfilment is not inextricably linked to her biological capacity to produce a child. A woman's incapacity for reproduction does not have a direct relationship to her fulfilment as a woman. Evidently, there are examples of abject or subversive identities that emerge from the gendered identity norms which surround reproductive technology. Butler's reconfiguration of agency indicates the way in which gendered identity norms simultaneously provide the possibility of multiple subversive gender enactments. While the normative conception of gender identity within the context of reproductive technology conflates women with a capacity for reproduction, this configuration also produces instances of parodic repetition such as women who do not desire to utilise their reproductive capacity or who remain fulfilled, despite not being in a position to do so.

Examples of parodic repetition are by no means limited to those I have outlined above. Remember that the matrix of cultural intelligibility produces coherent gender identities, that is, identities which reflect a continuous relation between sex, gender, and desire in accordance with a binary frame for sex. I have been

emphasising that this matrix produces a coherent gender identity which suggests that all women should be mothers, and that all mothers are heterosexual females. Of course, I have also emphasised that the matrix of intelligibility produces a realm of abject identities, that is identities which contradict or exceed the terms of intelligibility. Yet another example of an abject or subversive identity which emerges from within the context of reproductive technology is evident when we consider that reproductive technologies may be open to use by lesbians.<sup>32</sup> While the gendered identity norm that surrounds reproductive technology assumes a continuous relation between sex, gender and desire, the 'lesbian mother' represents a discontinuous relation between gender and desire. In other words, 'the lesbian mother' contradicts those terms of intelligibility that dictate that all mothers are heterosexual females.

Similarly, the assumption produced by the matrix of intelligibility that all mothers are heterosexual females is disrupted by the emergence of such abject identities as 'the single mother'. We must remember that the matrix of intelligibility carries the assumption of a compulsory (and naturalised) heterosexuality. This heterosexualisation of desire underlies the emergence of many culturally normative practices. I am thinking here of the cultural institution of marriage as involving a heterosexual man and women, and from this the institution of a normative conception of the ideal family unit in which the married heterosexual couple produce children. This issue is linked to Butler's observation that normative conceptions of women also figure specific "discursive routes" from which alternate gendered norms are constructed. In other words, conceptions of what it means to be a woman will be accompanied by a "trajectory of adjectives" that create a specifically characterised gendered identity. (Butler 1990, p 143)



Significantly, she again argues that these discursive routes provide the possibility of change:

The injunction to be a given gender produces necessary failures, a variety of incoherent configurations that in their multiplicity exceed and defy the injunction by which they are generated. Further, the very injunction to be a given gender takes place through discursive routes; to be a good mother, to be a heterosexually desirable object, to be a fit worker, in sum, to signify a multiplicity of guarantees in response to a variety of different demands all at once. The coexistence or convergence of such discursive injunctions produces the possibility of a complex reconfiguration and redeployment. (Butler 1990, p 145)

My point here is that Butler's concept of agency - that the enactment of gendered identity norms inevitably also defy the discursive configurations from which they are generated - can be extended to include the discursive routes through which gendered identity travels. These specifically characterised gendered identity norms also produce instances of parodic repetition. This is to say that discursively qualified gendered identities are no more likely to be fully embodied than gendered identities which are not qualified by 'a trajectory of adjectives.' The heterosexualisation of desire, I have suggested, produces an array of culturally normative identities and practices, amongst which are such practices as marriage between a heterosexual man and women. We might say therefore, that the



injunction to be a given gender takes place through a discursive route which refigures a woman's identity in relation to the culturally normative practice of marriage.<sup>33</sup> In other words, the cultural normative conception of motherhood also includes the assumption that one is married to a heterosexual male. Now we can see the way in which the emergence of 'the single mother' within the context of reproductive technologies, exceeds and contradicts the terms of cultural intelligibility - assuming that the single mother does not seek a co-parent. 'The single mother' does not represent a discontinuous relation between sex, gender and desire (assuming the woman is a heterosexual). However, it disrupts those normative identities and practices that are produced by the matrix of intelligibility and its assumption of compulsory heterosexuality.<sup>34</sup>

I have explored several 'abject gender identities' that emerge from the 'coherent gendered identities' that surround reproductive technology. In particular, I have outlined four examples of subversive repetition of identity norms for women. Women who are content being childless, infertile women who remain ambivalent about being childless, lesbian mothers and single mothers, are examples of abject configurations of identity which exceed or contradict the terms of cultural intelligibility. This is not to suggest that the emergence of such abject identities as 'the single mother' are confined to the context of reproductive technologies. Rather, it is to demonstrate that while the context of reproductive technologies is informed by a series of coherent or normative cultural practices and identities, this does not foreclose the possibility of the subversion of such norms. Moreover, this exploration indicates the way in which Butler's thesis allows us to recognise that gendered identity norms are not only the conditions through which the subject is constituted, but also the scene of agency and change for women. This is because



such identity norms simultaneously provide the possibility of subversive gender enactment, that is, enactments which defy the terms of cultural intelligibility.

I have indicated that Butler's reconfiguration of the concept of agency allows us to recognise the way in which gendered identity norms, relevant to the issue of reproductive technology, provide women with the possibility of change. How does this help us to reconcile the contradiction between the apparent need for radical feminists to retain a principle of personal autonomy and the fact that this principle perpetuates a concept of prediscursive embodiment? The possibility of reconciling this contradiction is linked to another question that has since emerged within this discussion. If Butler maintains that subversive gender enactment is an *inevitable* feature of gendered identity norms, why is it necessary to be concerned with the fact that a principle of autonomy perpetuates a concept of pre-discursive embodiment? The reader may recall that gendered identity norms are the product of the matrix of cultural intelligibility. I have also outlined the way in which the concept of prediscursive embodiment functions to naturalise and fix this matrix. However, we have just seen that for Butler, this matrix allows for the possibility for change for women. Why then should we be at all concerned with the fact radical feminists utilise a principle of personal autonomy and perpetuate the concept of prediscursive embodiment? After all, this concept regulates the very matrix that, we have seen, provides agency for women.

The foreclosing of adequate concepts of agency does not pertain to the matrix of intelligibility *per se*. Indeed, the reader may recall that the possibility of subversive enactments of gendered identity norms depends upon the continuing

presence of those identity terms which allow for the emergence of parodic enactment:

If the rules governing signification not only restrict, but enable the assertion of alternate domains of cultural intelligibility, ie., new possibilities for gender that contest the rigid codes of hierarchical binarisms, then it is only *within* the practice of repetitive signifying that a subversion of identity becomes possible. (Butler 1990, p 145)

What this signals is that while gendered identity norms *appear* to restrict the emergence of alternate gender configurations, they in fact provide a discursive framework from which alternate configurations of gender can emerge.<sup>35</sup> Indeed, I have just illustrated the way in which gendered identity norms relevant to reproductive technology simultaneously produce a realm of abject gender configurations. However, Butler is not concerned with the matrix of intelligibility per se. Her concern is with the assumption which underlies and fixes the matrix of intelligibility, namely, the concept of prediscursive embodiment. The concept of prediscursive embodiment, we have seen, fixes the concept of prediscursive subjectivity, that is, the concept of a pre-social agent who is vested with agency. Assumed to be fixed, a voluntarist concept of agency thus emerges at the expense of alternate concepts of agency. This is not to say that women's agency is foreclosed by the concept of prediscursive embodiment that underlies and fixes the matrix of intelligibility. Indeed, according to Butler's concept of agency, the matrix is the very means through which infinite cultural identities for women can emerge. Rather, she is concerned with the concept of prediscursive embodiment



which underlies and fixes the matrix of intelligibility and which simultaneously forecloses adequate concepts of agency.

The reason for this concern is exemplified by the effects of the perpetuation of the concept of prediscursive embodiment within the radical feminist critique of reproductive technology. The point for Butler is that the concept of prediscursive embodiment *naturalises* or *fixes* the concept of a prediscursive subject who is vested with agency. The principle of personal autonomy, central to the radical feminist critique, does not only perpetuate the assumption of prediscursive embodiment. Through this perpetuation, it simultaneously regulates and fixes the concept of voluntarist agency. Other concepts of agency are thereby foreclosed, and the concept of (prediscursive) voluntarist agency emerges as a requisite feature of women's agency.

If we agree that politics and power exist already at the level at which the subject and its agency are articulated and made possible, then agency can be *presumed* only at the cost of refusing inquiry into its construction.....In a sense, the epistemological model that offers us a pre-given subject or agent is one that refuses to acknowledge that *agency is always and only a political prerogative*. As such, it seems crucial to question the conditions of its possibility, not to take it for granted as an apriori guarantee. (Butler 1995a, p47)

Similarly, the concept of prediscursive agency is implicitly affirmed, within the radical feminist critique, as the only means through which subjects are capable of agency. This is an issue I raised in chapter one of this thesis. In conjunction with Diprose's critique of the ethics of reproductive practices I indicated that the radical feminist critique of reproductive technology appropriates a conventional approach to ethics and thereby ultimately restricts women's actions. In particular, I indicated that the perpetuation of the concept of prediscursive embodiment, which regulates and fixes the concept of voluntarist agency, results in radical feminists advocating women's withdrawal from patriarchal practices such as reproductive technologies. This is to say that a fixed concept of voluntarist agency implies that withdrawal is the only means through which women can challenge patriarchal practices such as reproductive technologies.

Moreover, it is important to realise that underlying this suggestion is the assumption that a voluntarist concept of agency is the only means through which women can challenge patriarchy. In other words, when radical feminists maintain that women should withdraw from patriarchal practices such as reproductive technologies, they are speaking from a position which assumes that a voluntarist concept of agency is the only means through which women can contest patriarchal practices such as reproductive technologies. Thus, radical feminist's perpetuation of the concept of prediscursive embodiment is problematic because it regulates and fixes a conventional concept of agency, one consequence of which may be women's withdrawal from social practices such as the use of reproductive technologies. This is not to suggest that women's agency would be reduced by such withdrawal. Remember that for Butler, agency is made possible by the presence of the matrix of cultural intelligibility which is common to patriarchy



per se. Rather, it appears that radical feminists are mistaken in thinking that they can secure agency for women by suggesting women's withdrawal from such practices as reproductive technology. In fact, by advocating such withdrawal radical feminists are legitimating a voluntarist conception of agency at the expense of alternate concepts of agency for women; they inadvertently and mistakenly deny that there are other valuable concepts of agency which constitute a means through which women can challenge patriarchy.

I am not advocating that women be directly encouraged to participate in those practices, such as reproductive technologies, that condition the subject and which subsequently allow for the emergence of subversive gender identities. Rather, the point is that the radical feminist thesis that women should withdraw from such practices falsely assumes that such withdrawal is the only way in which patriarchy can be challenged in this context. In terms of Butler's reconception of agency it becomes apparent that women's involvement in patriarchal practices, such as reproductive technologies, does not exclude or run counter to the possibility of a subversion of patriarchal norms. We can see now why Butler would find the perpetuation of the concept of prediscursive embodiment within the radical feminist critique of reproductive technology as problematic. This concept fixes a concept of prediscursive agency, the application of which encourages women to withdraw from reproductive technologies on the false premise that this is the only means to agency and the subversion of patriarchy. My point here is that if radical feminists are to accurately represent or address the issue of agency for women, it is necessary to move beyond the assumption of a *fixed* conception of agency. Again, this is because the assumption of a fixed conception of agency seems to result in feminists advocating women's withdrawal from social practices such as

the use of reproductive technologies. In Butlerian terms, this amounts to asking women to withdraw from patriarchal practices that are *no less* the location for agency and subversive acts than any other.

It is still unclear however, whether radical feminists should abandon the principle of personal autonomy on the basis that it perpetuates the concept of prediscursive subjectivity. I still adhere to the idea that it is necessary to maintain a voluntarist conception of agency on the basis that it is a useful political fiction that services the protection of bodies. Apparently then, I have not yet resolved the conflict between the fact that we should not abandon conventional concepts of agency within the context of reproductive technology with the observation that this conventional approach perpetuates a concept of prediscursive embodiment. This conflict can be resolved by affirming the fictitious or discursive nature of the concept of prediscursive subjectivity. In relation to the implications of Butler's concept of agency for feminism, I suggested that part of the task of feminism is to undermine the concept of prediscursive subjectivity and in particular, the concept of prediscursive embodiment which regulates and fixes the assumption of prediscursive subjectivity. This is to ensure that the matrix of cultural intelligibility, stabilised and naturalised by the concept of prediscursive embodiment, is *de-naturalised* and rendered unstable. In order to do this, it is necessary that feminists draw attention to the discursive origins of the matrix of intelligibility, and in particular, the discursive origins of the concept of prediscursive embodiment.



This can be achieved by affirming instances of gender enactment that defy or exceed the terms of cultural intelligibility. Of course, I have just given examples of some instances of subversive enactments of gender within the context of reproductive technology, such as "the lesbian mother", "the single mother" and so on. These instances of parodic repetition are a revelation regarding the discursive origins of the concept of prediscursive embodiment. In particular, these subversive gender enactments function to destabilise the assumption of the intractability of a binary frame for sex. As I have outlined, identities such as 'the lesbian mother' represent a discontinuous relation between sex, gender and desire. They therefore indicate the fictitious nature of the matrix of intelligibility. Given that the concept of prediscursive embodiment underlies, regulates and fixes this matrix, a revelation regarding its fictitious nature simultaneously destabilises the assumption of prediscursive embodiment.

Previously I suggested that if radical feminists are to accurately represent or address the issue of agency for women it is necessary for them to move beyond the assumption of a fixed conception of agency. The destabilisation of the concept of prediscursive embodiment is of course, linked to the possibility of moving beyond a fixed concept of agency. I have shown in this thesis that when feminists maintain the assumption of prediscursive embodiment they subsequently foreclose adequate concepts of agency. By affirming instances of subversive repetitions of gender that inevitably emerge from within the terms of intelligibility, feminists are dissolving the assumption of prediscursive embodiment. The dissolution of this concept and the subsequent institution of a constitutive model of embodiment, brings with it the possibility of a concept of agency beyond that of prediscursive agency. In the context of reproductive

technology for instance, this would ensure that feminists, while being able to utilise the principle of personal autonomy, would not assume that this was the only means to women's agency. As I have argued, the assumption of prediscursive agency perpetuates the false assumption that subversion is not possible from *within* patriarchal contexts such as those which involve the use of reproductive technologies. As Butler informs us, the possibility of subverting gendered identity norms is a possibility within any patriarchal context. In short, the gesture of affirming instances of subversive gender enactment, is a necessary preliminary to destabilising the assumption of prediscursive embodiment. Subsequently, this indicates that agency exists within the terms of patriarchy and eliminates the false assumption that women's agency is somehow secured by encouraging women to withdraw from such practices as reproductive technologies.

I have attempted to resolve an apparent contradiction that emerges from applying Butler's reconfiguration of agency to radical feminist critiques of reproductive technology. First, let me reiterate the apparent contradiction. I argued that Butler's agency should not be a substitution for a voluntarist concept of agency. This is because a voluntarist concept of agency functions as a useful theoretical and political fiction that services the protection of bodies. However, we have seen the way in which a concept of prediscursive embodiment foreclose adequate concepts of agency for women. The principle of personal autonomy perpetuates the concept of prediscursive embodiment which naturalises and fixes a voluntarist concept of agency. Thus, there is a conflict between the fact it is necessary to retain a conventional voluntarist concept of agency and the fact this concept of agency functions to constrain adequate concepts of women's agency. More broadly, there



is a tension between the radical feminist use of the principle of personal autonomy, and the fact this principle perpetuates a concept of prediscursive embodiment.

However, I have suggested that this conflict can be resolved by adopting a Butlerian conception of agency and in particular, by substituting a concept of embodied or corporeal subjectivity for a concept of prediscursive subjectivity. As we have seen, Butler's concept of agency is dependent upon the matrix of intelligibility. This is because, the possibility of subversive gender enactment is dependent upon the continuing presence of the gendered identity norms which the matrix produces. I have also suggested that the concept of prediscursive embodiment that underlies this matrix functions to foreclose adequate concepts of agency. The assumption of prediscursive embodiment simultaneously fixes the assumption of a pre-social agent who is vested with agency. The assumption of a fixed conception of agency excludes the recognition of alternate concepts of agency. For example, we have seen how within radical feminist critiques of reproductive technology there is a perpetuation of the concept of prediscursive subjectivity. We have also seen how the radical feminist's reliance upon this conventional approach to the issue of women's agency leads radical feminists to advocate women's withdrawal from patriarchal practices such as reproductive technology. In terms of Butler's agency, this exclusion is based on the false presumption that agency is secured by getting women to withdraw from rather than participate in such practices. According to Butler's reconceptualisation of the concept of agency, the possibility for subversive acts are an inevitable feature of gender enactment - irrespective of context. This reconceptualisation of agency is

premised on the idea that the concept of prediscursive embodiment is a discursively regulated fiction.

So, the foreclosing of adequate concepts of agency is related to the perpetuation of a concept of prediscursive embodiment that regulates and fixes a specific configuration of agency. I have argued however, that the concept of prediscursive embodiment is destabilised by the revelation of the discursive origins of gendered subjectivity. In this thesis I endeavoured to affirm those instances of subversive gender enactment that according to Butler, inevitably emerge from acting within the terms of the matrix of cultural intelligibility. In particular, I showed that the discourses that surround reproductive technologies provide not only examples of coherent gender identities, but simultaneously, the opportunity for subversive gender enactment. By assuming the *prediscursive* nature of embodiment and thereby the *fixed* nature of conventional agency, radical feminists are falsely assuming that the possibility of contesting patriarchy comes through women's withdrawal from such practices as reproductive technologies. I have shown that Butler's dissolution of the assumption of prediscursive embodiment and her subsequent reconfiguration of the concept of agency reveal that women's participation in such practices allows for the subversion of dominant patriarchal identity norms, particularly those related to motherhood. This is not to suggest that women should be explicitly encouraged to utilise reproductive technologies. Rather, the point is that radical feminists advocate women's withdrawal from such practices on the basis of a false assumption that women's agency is somehow secured by avoiding reproductive technologies. This false assumption emerges from the failure to recognise the fictitious nature of the concept of prediscursive embodiment. Moreover, this is not to suggest that in order to overcome the



problems associated with a perpetuation of the concept of prediscursive embodiment feminists should abandon the use of a conventional, voluntarist concept of agency. Rather, voluntarist agency can function as a useful fiction that services the protection of bodies. This only however, provided the assumption of prediscursive embodiment is transcended, thus dissolving its univocal position within radical feminist discourses pertaining to reproductive technologies.

Apparently then, Butler's dissolution of the sex/gender distinction shows us that it is possible to expand the range of concepts of agency for women. I have illustrated this point by uniting Butler's configuration of agency with a conventional approach to this issue within the context of reproductive technologies. This conventional approach was seen to inadvertently foreclose concepts of agency on the basis that a voluntarist concept of agency, and in particular, a concept of prediscursive embodiment, held a univocal position within radical feminist critiques of reproductive technology. I have argued that a conventional approach to agency needs to be supplemented with several vital recognitions. First, that the possibility of contesting patriarchal norms is no less evident when women participate in those practices and contexts that, by the terms of an exclusively conventional approach to agency, women are compelled to reject. Second, that the recognition of this mode of agency stems from the dissolution of the sex/gender distinction and the subsequent institution of a theory of constitutive embodied subjectivity.

## CONCLUSION ~

I began this thesis by providing the reader with an example of a recent political response to the issue of reproductive technology:

**Women's Bodies Are Not Biological Laboratories.**

**Demand Reproductive Freedom.**

(Sticker for N.U.S Women's Department. 1996. Macquarie University.)

Its implicit meanings I suggested, correspond to specific and important theoretical objectives within conventional feminist philosophy. In particular, they correspond to the radical feminist endeavour to subvert patriarchal control of women's bodies. I also suggested however, that in relation to contemporary feminism's rejection of the sex-gender distinction, this slogan comes to represent alternate negative meanings for women. In this thesis I have attempted to elucidate Butler's dissolution of the sex-gender distinction. Specifically, I examined the effect of Butler's rejection of the sex-gender distinction on conceptions of women's agency within the context of feminists critiques of reproductive technology. With regard to this examination, let's review the question of how this seemingly positive message can come to represent something negative for women.

In this thesis I have tried to show that the radical feminist critique of reproductive technology inadvertently conflicts with the ambitions of feminism. Concerned with the issue of reproductive freedom, radical feminists adhere to an exclusive conception of agency. In particular, by assuming that the only means whereby



women can find a space for autonomy is by rejecting reproductive technologies, radical feminists perpetuate the assumption that women's agency is dependent upon a voluntarist concept of agency. Correspondingly, the slogan which features above inherently figures reproductive technologies as necessarily working against the interests of women. Moreover, though not explicit, this slogan invites a rejection of reproductive technologies on the basis that they represent a reduction in women's reproductive freedom.

In terms of Butler's thesis, this slogan is implicitly negative for women because it inadvertently propounds a reduction in configurations of women's agency. This is because this slogan implicitly upholds a prediscursive conception of agency as the only means to agency for women. The upholding of a prediscursive conception of agency as singular and fixed leads to the false assumption that the only means of contesting patriarchal culture is through a rejection of reproductive technologies. However, the recognition of the possibility of agency within the terms of signification indicates that women's participation in such practices as reproductive technology are in fact compatible with the possibility of agency for women. As Butler argues, participation in those discourses and practices that are the very scene of agency are a means for subverting patriarchal gender norms. This is not to suggest that women's agency is foreclosed by withdrawing from such social practices, rather radical feminists are incorrect in their assumption that the only means for contesting patriarchy is through a rejection of such technologies.

The reasoning which underlies the radical feminist position seems to be a questionable means of encouraging women to be active participants in life. Diprose makes the comment that it is hard to see why the objections to surrogacy and reproductive technology, as expressions of patriarchal control and domination over women's bodies, should not be extended to include procreation in general. (Diprose 1994b, pp 112-113) This is to say that all activities related to reproduction occur within a patriarchal context. If radical feminists seek a space for autonomy in relation to the context of reproductive technologies, why not in all contexts tainted by patriarchy? Should women reject all manifestations of patriarchal culture? What sort of life would this amount to for women? I am trying to suggest that the reasoning which underlies the radical feminist critique of reproductive technologies suggests that women's only means of protection or escape from patriarchy is by refusing to be active social participants. This point becomes critical when one considers that it is a seemingly impossible task for women to find a space outside of patriarchy. When radical feminists maintain the need to reject specific manifestations of patriarchal culture, they naively assume that a rejection of patriarchal culture is in fact possible. Thus, radical feminist's reliance upon an exclusive conception of agency is not simply problematic because it leads to the unnecessary conclusion that women need to reject reproductive technologies in order to contest patriarchy. More generally, it can be regarded as an incoherent means of attempting to contest the ideals of patriarchy in so far as escape from patriarchy is a cultural impossibility.

But what if feminist's could theorise a means of contesting patriarchy that did not amount to a withdrawal into inaction? What if the very means of contesting patriarchy were to be found by participating in those practices often deemed



oppressive by feminism? In this thesis I have tried to show that for Judith Butler, the negative implications which stem from the appropriation of an exclusive conception of agency can be transcended by instituting a concept of constitutive embodied subjectivity. A concept of constitutive embodied subjectivity evokes a conception of agency that promotes women's participation in patriarchal practices such as reproductive technology, *as well as* the possibility of subverting patriarchal gender norms. This is not to suggest that feminists should abolish a conventional concept of agency, which I have argued, can still function to protect women's individual autonomy and sovereignty. Significantly however, Butler's agency provides a means for feminism to theorise about women's agency beyond the naive and I believe, disturbing assumption that women's freedom is to be found through (the impossible task of ) a rejection of cultural patriarchal practices.

At one point in this thesis, I questioned whether contemporary feminism's shift towards a constitutive theory of embodied subjectivity was justified. In particular, I asked to what extent this concept of subjectivity succeeds where the sex-gender distinction does not? In this thesis I have indicated that a concept of constitutive embodied subjectivity provides feminism with a conception of agency that can be regarded as potentially positive for women. In particular we have seen the emergence of a concept of agency as an issue of signification and resignification works, allows feminism to transcend the limitations associated with theorising in relation to an exclusive conception of agency. This seems to suggest that the abolition of the sex-gender distinction and the subsequent shift towards a constitutive theory of embodied subjectivity marks a positive, and I believe necessary theoretical development within feminist philosophy.

I have attempted to illustrate the significance of this theoretical development to the issue of agency in the context of feminist debates on reproductive technology. Of course, it is possible to speculate about the potential significance of employing a theory of constitutive embodied subjectivity in relation to other issues within feminist philosophy. I am thinking in here about issues such as pornography which, like the issue of reproductive technology, many feminists have traditionally regarded as an expression of patriarchal control over women.<sup>36</sup> Indeed, central to her most recent text Excitable Speech: A Politics of the Performative, Butler appeals to her reconfiguration of the concept of agency to address directly the issue of pornography. Butler maintains that feminists who argue against pornography figure pornography as a constitutive speech act which "reinvokes and reinscribes a structural relation of domination". (Butler 1997, p18)<sup>37</sup> In this thesis we have seen emerge from a theory of constitutive embodied subjectivity, Butler's reconfiguration of the concept of agency. 'Agency' redefined as an issue about signification and, most importantly resignification, indicates for Butler the possibility of an alternate response to the issue of pornography for feminists. Speech acts, defined by Butler as a bodily act, are a means of contesting or subverting the constitutive force of pornography. Like the act of parodying gender, a repetition of speech acts brings forth moments which contest the terms from which they are generated. As Butler's asks in her rhetorical style:

Is there a repetition that might disjoin the speech act from its supporting conventions such that its repetition confounds rather than consolidates? (Butler 1997, p 20)



In the present context however, my main concern has been with the implications of a theory of constitutive embodied subjectivity upon conceptions of women's agency, within the context of feminist critiques of reproductive technology. I have tried to demonstrate that a concept of constitutive embodied subjectivity is a theoretical tool with which feminists can not only create new perspectives on conventional feminist theory, but subsequently gain new insights into how to recognise and overcome the discursive mechanisms which subordinate women.

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## NOTES ~

### INTRODUCTION ~

<sup>1</sup> See Lloyd, G. (1984)

<sup>2</sup> See Jordanova, L. (1989)

<sup>3</sup> Wollstonecraft rejects the idea of an innate disposition in women and encourages the development of women's reason through education. See Wollstonecraft, M. (1975). A Vindication of the Rights of Woman. This position does not entail a rejection of women's traditional social role. As Diprose argues, "Wollstonecraft is arguing for a revolution in the way in which the female social role is executed rather than a revolution or change of that role *per se*." (Gatens 1991, p22).

<sup>4</sup> While generally, the sex/gender distinction denotes an arbitrary connection between femininity and the female body, its significance varies in accordance with the type of feminism for which it has been appropriated, in particular the way in which various forms of feminism figure the body. As Grosz outlines, for egalitarian feminists, the body figures as an obstacle to emancipation, while social constructionists view the body as an object "whose representation and functioning is political, socially marking male and female as distinct." (Grosz 1994, p16) This discussion however, refers more generally to the observation that in either instance, a dualist conception of subjectivity is perpetuated.

<sup>5</sup> This concept of constructionism should not be confused with that domain within feminism that is called 'social constructionism'. Social constructionists are those feminist theorists who adhere to the idea of a socially constructed subjectivity. Constructionism in this context refers to the idea that both subjectivity and embodiment are an effect of discursive configurations.



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<sup>6</sup> In the area of political philosophy see Gatens, M. (1996) In the area of bioethics see Diprose, R. (1996) (1995) (1994b), Rothhfield, P. (1995), Komesaroff, P. (ed.) (1995). In the area of biomedicine see Diprose, R. (1994c), Diprose, R. & Vasseleu, C. (1991b), Vasseleu, C. (1991), Walby, C. (1996). In the area of anthropology see Biddle, J. (1993). In the area of cognitive psychology see Wilson, E. (1996).

<sup>7</sup> See in particular Gatens, M. (1996) where she appeals to the work of Spinoza to contest dualism. Like Gatens, Lloyd also utilises the work of Spinoza to develop new ways of conceptualising sexual difference in relation to reason. See Lloyd, G. (1994) (1993) (1989).

<sup>8</sup> See also Diprose, R. (1996)

<sup>9</sup> This position is largely influenced by the work of Gena Corea, Janice Raymond, Robyn Rowland and Renate Duelli Klein. See Corea, G (1985) (1987) (1988), Raymond, J. (1994) (1989), Rowland, R. (1992) (1987) (1985) (1984), Duelli Klein, R. (1994) (1992) (1989a) (1989b) (1987) (1984), Duelli Klein, R & Rowland, R. (1988). The critique of reproductive technologies associated with these theorists is elaborated in Scutt, J. ed. (1988). A more detailed examination of the radical feminist position features in part one of this thesis.

<sup>10</sup> This position is epitomised by the work of Wajcam, J. (1991), Stanworth, M. (1990) (1987), Sawicki, J. (1991).

<sup>11</sup> For a broad range of contemporary perspectives on reproductive technologies see Bequaert Holmes, H. (1992), Hepburn, L. (1992).

## PART ONE ~

<sup>12</sup> Susan Bordo makes the point that while Foucauldian ideas seem to dominate in Butler's texts, Butler is more Derridean than Foucauldian. Bordo contrasts Butler from Foucault on the basis that, unlike Butler, Foucault maintains the relevance of "institutional and everyday practices by means of which our experience of the body is organised". (Bordo 1992, p170) See also Bordo, S. (1993).

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<sup>13</sup> An example of abject identity which features in Butler's text is that of the hermaphrodite. (Butler, 1990, p23) The hermaphrodite contradicts the terms of intelligibility in so far as the binary frame for sex upon which cultural intelligibility is built does not accommodate such phenomenon. The tendency within culture to define the hermaphrodite as 'biologically abnormal' demonstrates Butler's point that, as an identity which contradicts the terms of intelligibility, hermaphrodites occupy a marginalised or abject status within culture. The experience of living within a marginalised position within culture is well documented in Foucault, M. (1980) (ed.) Herculine Barbin, Being the Recently Discovered Journals of a Nineteenth-Century Hermaphrodite.

<sup>14</sup> For Seyla Benhabib, this amounts to a "Death of the Subject" thesis which is "incompatible with feminism." (Benhabib 1995a, p 20) Benhabib maintains that the abolition of the concept of a unified subject conflicts with the possibility of female emancipation. In particular, the 'Death of the Subject' problematises politically expedient concepts of agency, autonomy and selfhood. By dissolving the assumption of unified subjectivity Butler dissolves the concept of a pre-social agency - a "doer behind the deed". "If this view of the self is adopted" Benhabib asks, "is there any possibility of changing those 'expressions' which constitute us?" (Benhabib 1995a, p 21)

<sup>15</sup> Many thanks to Rosalyn Diprose for providing me with a copy of this unpublished manuscript.

<sup>16</sup> While the specific paradigm from which Diprose extracts this conception of subjectivity is taken from a report on surrogacy, she does indicate that its basic principles "provide an apt guide to what is typically taken to be the nature of individuals, and of the relations between individuals, in biomedical ethics." (Diprose 1994b, p 2)

<sup>17</sup> Diprose also adds that "in the event that an individual is ignorant of her best interests it is assumed that the ethicist can define these for her." (Diprose 1994b, p 3)

<sup>18</sup> See Pateman, C. (1988), Gilligan, C. (1982).

<sup>19</sup> Finnrage were formally called Finnret: Feminist International Network on the New Reproductive Technologies. Cited in Donchin, A. (1989).



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<sup>20</sup> It has been argued that Corea's text contextualises reproductive technology within the history of reproduction by appealing to the theoretical framework outlined by O'Brien (1981): "O'Brien's analysis of reproduction is centrally premised on the distinction between women's *continuous* reproductive experience and men's *continuous* one. For Corea, this provides a key insight into the efforts by men to increasingly control women's reproductive capacity." (Franklin & McNeil 1988, p 550)

<sup>21</sup> For a broad range of contemporary perspectives on reproductive technologies see Holmes, H.B. (ed) (1994).

<sup>22</sup> See Klein, R. (1994) (1989), Raymond, J. (1994), Ince, C. & Corea, G. (1987).

<sup>23</sup> See also Bartholet, E. (1992), Williams, L. S. (1992), Koch, L (1992), Klein R. (ed.) (1989), Rowland, R. (1987), Grundberg, S. & Dowrick, S. (1980).

<sup>24</sup> See also Bartholet, E. (1992), Williams, L.S. (1992), Koch, L (1992), Franklin, S. (1990), Klein, R. (1989b), Crow, C. (1985), Corea, G (1988).

<sup>25</sup> For the purpose of discussion I have concentrated on the radical feminist objection that reproductive technologies compromise women's autonomy. In focusing on this issue I do not mean to undervalue those criticisms directed against reproductive technologies which relate to issues such as eugenics and racism. For an examination of these issues see Klein, R. (1994), Raymond, J. (1994), Akhter, F. (1992), Nair, S. (1992).

## PART TWO ~

<sup>26</sup> This is not to say that Benhabib rejects a post-structuralist account of subjectivity per se. As Nicholson describes, Benhabib is primarily concerned with the dangers associated with "strong formulations" of postmodern critiques of subjectivity. (Nicholson 1995, p3) For Benhabib these 'strong formulations' eliminate the concept of subjectivity all together. As I have noted, she regards this abolition of the idea of subjectivity as incompatible with the idea of autonomy,

agency and accountability, and thereby a negation of the possibility of emancipation and historical change.

<sup>27</sup> See Klein, R. (1994), (1989), Raymond, J. (1994), O'Keefe, M. (1992), Steinberg, D.L. (1990), Solomon, A. (1989), Klein & Rowland (1988).

<sup>28</sup> I have employed a general concept of autonomy which does account for the difference between specific notions of autonomy. It might be argued that the radical feminists critique of reproductive technologies implicitly refers to several different notions of autonomy. For instance, when radical feminists reject reproductive technologies on the basis that they are physically dangerous they are appealing to a concept of a personal autonomy. Yet, when they reject reproductive technologies on the basis that a woman's consent is not informed, are referring to the concept of legal autonomy in so far as the issue of informed consent is a legal issue. As Meyers has outlined, there are many different notions of autonomy and the differences between such concepts are not always clear. Consequently, I will use the concept of autonomy in a general sense which subsumes any specific notion of this concept. For a discussion of specifically defined concepts of autonomy and the relationship between such concepts, see Meyers, D. (1989), Christman, J. (1989).

<sup>29</sup> Drucilla Cornell makes a similar point when she responds to Butler's critique of foundationalist theories of subjectivity. Cornell maintains that while, as Butler argues, foundationalist theories of subjectivity have functioned as instruments of cultural imperialism, such theories have also had emancipatory effects. Her broader point is that the univocal position of a post-structuralist account of subjectivity within Butler's work ignores not only the emancipatory possibilities of alternate theories of subjectivity, but also that alternate theories of subjectivity are "too, bits of cultural discourse whose meanings are subject to 'resignification'." (Cornell 1995, p69) I perceive this position to be consistent with a familiar objection to post-structuralist account of identity, namely, that it is often presented as a "privileged critical framework". See Bordo, S. (1990), Fraser, N. & Nicholson, L.J. (1990).



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<sup>30</sup> Some theorists have contested the idea that the maintenance of personal autonomy is simply about a person's right to make decisions for themselves free from interference. Meyers argues for instance that people may willingly avail themselves of their liberty. Hence, they make a personal decision for themselves - "yet lack personal autonomy." (Meyers, D. 1989, p 18).

<sup>31</sup> Again, this echoes Drucilla Cornell's point that foundationalist theories of subjectivity can have emancipatory effects and for this reason should not be rejected by feminism. See Cornell, D. (1995).

<sup>32</sup> While 'the lesbian mother' can be regarded as an example of an abject or subversive identity it is vital to recognise that entry into programs involving the use of reproductive technologies are restricted to married heterosexual women, at least in Australia. (Michaels, M. 1996, p 66) Moreover, Hepburn makes the point that such restriction extends to include low-income women who cannot afford such procedures. (Hepburn, 1992, p115). See also Crowe, C. (1990). Thus, 'the lesbian mother', and as I will later argue, 'the single mother', might be described as *potential* instances of parodic repetition in instances where reproductive practices are regulated to exclude the participation of some women. However, there are instances of sperm donor arrangements in which 'the gay parent' identity has emerged. Such instances re-scribe traditional identity norms relating to parenthood and the ideology of the family. See Benkov, L. (1994).

<sup>33</sup> For a discussion on the way in which reproductive technologies contribute to a redefinition of motherhood and dominant family ideology see Michaels, M.W. (1996) and Haines, E. (1992) respectively.

<sup>34</sup> Rothman argues that it is this very subversion of motherhood that undermines not only women's identity in so far as it is linked to maternal values, but also social well-being. (Rothman, B.K. 1989).

<sup>35</sup> It can also be argued that this point signals a rebuttal to Benhabib's objection that Butler's conception of the subject seems to disallow agency. What Benhabib fails to acknowledge is that according to Butler 'change' is an inevitable feature of gender enactment or 'performativity'. As

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we have seen, Benhabib asks whether there is any possibility “of changing those ‘expressions’ that constitute us?” (Benhabib 1995a, p 21) Butler responds by reminding Benhabib that “In the course of Gender Trouble, I suggest that change and alteration is part of the very process of performativity. “ (Butler 1995b, p 135).

## CONCLUSION ~

<sup>36</sup> See Dworkin, A. (1994).

<sup>37</sup> This argument actually refers to Matsuda’s thesis regarding the nature of speech acts, in particular her view that speech acts enact rather than reflect relations of social domination. Butler argues the relevance of this account of speech in so far as the argument against pornography is based on the same assumption. (Butler, J. 1997, p18-19).



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